

the *Grinsted* case, there was a proximate relation between the cause and alleged result. King, J., refers in his judgment to the "uncontradicted statement of the physician, that the act of exposure operating upon a person in an excited and overheated state would be sufficient to induce such an illness." The plaintiff's condition when he was put off the car was such as to predispose him to the injury likely to result from his being suddenly exposed to a low temperature. It was for the jury "to see if there was any intervening independent cause. Finding none sufficient to satisfy them, they were entitled to refer the illness to the only thing referred to in the evidence as a sufficing cause." The illness was the natural and probable result without the intervention of any independent cause. Gwynne, J., dissents, and his judgment agrees with the principle of the *Connacher* case.

It is worthy of note that the late Chief Justice of the Court of Appeal (Hagarty, C.J.), 21 A.R., p. 578, agrees with Gwynne, J. See also *Hobbs v. London and S.W.R.W. Co.*, L.R. 10 Q.B. 111, cited in the dissenting judgments and relied on.

In the *Connacher* case there was no such proved connection of cause and effect. It might as well be said that typhoid is due to noxious vapors escaping from adjacent sewers, when the evidence shows that the disease may be equally attributable to drinking bad water, eating unhealthy food, etc. This very case came lately before Ferguson, J., in *Shields v. City of Toronto*, at the Toronto Assizes, and he non-suited the plaintiff on the ground that the evidence failed to connect the act of the corporation of Toronto in charge of the sewers with the illness of the plaintiff. Generally, the defect in the evidence in these cases consists in the weakness of the medical testimony. The gist of the question, it occurs to me, necessary to be put, is, "Can you say that the illness was reasonably and probably the result of the act of negligence complained of, and not the result of some other cause?" It will be seen how difficult it would be for a medical man to answer this, when so many other apparent causes are not excluded by the evidence, but are in fact put in evidence as a rule by the