

LENNOX, J.:—The plaintiff does not desire an order prohibiting the County Court Judge.

There are two questions to be determined, namely:—

1. Have I jurisdiction?
2. Was the vote taken according to law?

The first question is the only one presenting any difficulty. I cannot see that there is much help to be derived from the authorities referred to. I am of opinion that I have jurisdiction.

The other question, I think, is hardly open to argument. Literal compliance with the statute is not essential, but there must be at least substantial compliance. To mention only one point the ballot used cannot be said to be even the substantial equivalent of the one prescribed by the statute. It is not, of course, relevant to argue that it is as good or better than the statutory form.

There will be a perpetual injunction restraining the returning officer as asked for. I make no order as to costs.

LENNOX, J.

NOVEMBER 2ND, 1914.

SAWYER v. CANADIAN PACIFIC R.W. CO.

*Damages—Personal Injuries—Assessment of Damages—Expert Evidence.*

Action for damages for personal injuries sustained by the plaintiff by reason of the defendants' negligence.

J. F. Faulds, for the plaintiff.

Angus MacMurchy, K.C., for the defendants.

LENNOX, J.:—At the close of the plaintiff's case, counsel for the defendants admitted liability and asked me to withdraw the case from the jury, submitting that a Judge could make a fairer assessment of damages than a jury. I directed that the application be renewed after expert evidence for the defendants had been put in. In the end I withdrew the case from the jury. The plaintiff did not seek out either a doctor or a lawyer for a long time. He knew that he was injured, but did not realise that his injuries were very serious, or likely to be permanent. He was not of the army of keen hunters of litigation who do so much to congest the business of the Courts.