

tiff, after the accident, went at the General Hospital and stayed there till the 15th of February; he then left and walked with crutches. Later on, he was able to walk with a stick. Just before the trial he had worked for a short time but was earning only \$1 a day. Dr. McKenty examined as a witness on behalf of plaintiff tells us that the bone called "Oscleis", the bone which bears the weight on the heel, was fractured, Both feet were injured. He is of opinion that the plaintiff would, after three or four years, be able to do about the same work, but with some trouble. He is suffering now from what we call "flat feet" and he is not as good a man as he was.

It is difficult to appreciate exactly the amount of damages suffered by plaintiff. He was eight months without working.

Under these circumstances, as there is common fault, I would assess the amount of damages for which the company-defendant is responsible to the sum of \$1500.

The judgment of the Superior Court is reversed and the defendant condemned to pay the sum of \$1500 with interest and costs.

*Judgment in Review.*—"Considering that on and previous to the 15th day of December, 1915, the plaintiff, in answer to an advertisement, applied to the company defendant for the position of experienced window cleaner, and represented himself as such;

"Considering that while engaged in his work he fell at a distance of some twenty five feet, and fractured the bones of both his feet;

"Considering that the defendant did not provide any protective appliance for the plaintiff, as by law required;

"Considering that, on the other hand, the plaintiff was