medical evidence is that as a fact a workman is suffering from a known complaint arising from nervous shock, to draw any distinction between that case and the case of a broken limb:" *per* Farwell, L.J., in Yates v. South Kirkby, [1910] 2 K.B. 538, at p. 542.

I think that the plaintiff cannot be expected to be effective as a medical man for about a year—and that thereafter he cannot expect to have his full earning power. The pain has not been excessive; his intermittent attacks of jaundice due to the colocystitis may, however, in the absence of an operation, be expected to recur from time to time; and while the neurasthenia may not leave permanent effects of a dangerous character, it has already been a source of disability and annoyance. In consideration of all the circumstances I think the sum of $12,500 should be awarded the plaintiff, with full costs of suit.

In the case of Church v. City of Ottawa, 25 O.R. 298, 22 A.R. 348, in which a new trial was ordered, a verdict was upon the second trial given for the plaintiff for $6,000; but the injury in that case, while serious, was not so disabling as in the present case.

DIVISIONAL COURT. MAY 29TH, 1911.

WRIGHT v. RADCLIFFE.

Accident—Careless Driving—Negligence of Servant.

Appeal by the defendant from the judgment of the Senior Judge of the County of York, and cross-appeal by the plaintiff as to amount of damages.

The appeal was heard by FALCONBRIDGE, C.J.K.B., BRITTON and RIDDELL, JJ.

W. A. Proudfoot, for the defendant.

W. M. Hall, for the plaintiff.

BRITTON, J.:—This case is in a nut-shell. The plaintiff on the 28th May, 1910, was at work as a labourer upon Yonge street in this city. He was "paving" alongside of the street railway track. He was on the west side of the track about 27 feet southerly from the corner of Scollard street. He was kneeling on one knee. The distance between the west rail and the curb at that point was 14 feet 6 inches. The plaintiff's foot projected westerly 3 feet, which left the space of 11 feet 6