

you must always recollect that this is the only occasion on which compensation can be given. Dr. Phillips can never sue again. You have, therefore, to give him compensation now, once for all. He has done no wrong. He has suffered a wrong at the hands of the defendants, and you must take care to give him full, fair compensation for that which he has suffered." And upon the subject of the loss of income, a question also involved in this case, he said: "You are not to give the value of an annuity of the same amount as the plaintiff's average income for the rest of the plaintiff's life. If you gave that you would be disregarding some of the contingencies. An accident might have taken the plaintiff off within a year. He might have lived, on the other hand, for the next twenty years, and yet many things might have happened to prevent his continuing his practice."

At the first trial a verdict was rendered by the jury for £7,000 damages, which was set aside at the instance of the plaintiff as too little, and a new trial directed. Upon the second trial the jury gave a verdict of £16,000, which was also moved against, this time, by the defendants, as excessive, but the Court refused to interfere: see 5 C. P. D. 280. And see also *Church v. Ottawa*, 25 O. R. 298, affirmed in this Court in 22 A. R. 348, which was also the case of an injury to a physician.

That the present plaintiff sustained a severe injury, from the effects of which it is improbable at his time of life that he will ever fully recover, is beyond question. But that he will so far recover as to be able to resume the practice of his profession in a somewhat modified form, perhaps within a comparatively short period, is, I think, the fair result of the evidence. The three items of injury which bulk the largest are thus summed up and commented upon by Riddell, J.: "The difficulty at the liver could probably be overcome by a surgical operation of a comparatively simple character; the neurasthenia may be expected to be fairly well overcome in about a year longer, but the prolapsed kidney is another story," the learned Judge evidently regarding the latter as the most serious of them all.

Prolapsed or movable kidney is, it appears from the evidence of the medical experts, a by no means uncommon condition, not always, nor I would infer, usually or necessarily, a very disabling defect, since patients may be so affected for very long periods, and even for life, without ever becoming aware of it. In the plaintiff's case it was not dis-