

that when one comes to consider the position occupied by the defendant as a surgeon in attendance on a patient with an injury of the nature described, and feeling that his reputation as a physician and surgeon was at stake, and that the greatest care and skill that he possessed should be given in dealing with the injured arm, I could not come to the conclusion that these men who were not interested in the kind or size of splints that were required for the purpose for which the doctor was called upon to use them, are not likely to be correct in the evidence they give either as to the size or the material. The doctor says that he had a number of splints in his office, some of which he made himself, and others that he had purchased. He states that the splints were about two and a half inches wide, and that they were both of wood. The witnesses Jacobs and Hill stated that the splint was put on the back of the arm was of pasteboard, and that the one placed on the front of the arm and palm of the hand was of wood, and only an inch and a half wide at its widest part. Mr. Hill is connected with the family of the plaintiff by reason of his having married Kempfffer's sister, and while I do not say that he is not desiring to state exactly what is true, he has no doubt heard the subject discussed from Kempfffer sources, and I do not regard his statement under the circumstances as being entitled to the credit that I give to the evidence of Dr. Conerty, and I find that the two splints were of at least the width of two and a half inches. With regard to the course adopted by Dr. Conerty in putting on the splints I think the evidence of Hill strongly supports the statements made by the defendant that every precaution was taken as far as the hand was concerned to give it sufficient padding to prevent any injurious results arising from the use of the splints. Dr. Conerty said that the splint was padded with batting, and that he had put a ball of wadding in addition to that padding in the palm of the hand, and that the splint covered the whole of the palm down to the metacarpal bones, and that the hand was well filled with padding. As I say, he is confirmed in that statement by Hill, who says, "There was batting on the palm of the hand under the splint, and a little under the splint on the front of the arm. He made a change and loosened the bandage and put some cotton batting under the splint." This shows that after bandaging had proceeded to a certain extent, the doctor, thinking it advisable to add some additional batting, opened it up and put in an additional quantity of batting in the palm of the hand. It was urged that the splint went down to the end of the fingers. I think Mr. Watson properly abandoned that, as Hill himself said, and Jacobs said, that the splint only went as far, as I think he stated, to the end of the palm.

A question has arisen as to the manner in which the bandage was put on the arm. Most of the surgeons say that the proper course is to