

ONT.S. C.

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.

I am inclined to think that more prompt medical treatment might have facilitated recovery, but I am not sure of this. The medical testimony left this point undetermined—a matter of speculation—and, in the circumstances, I am not called upon to be astute in marking this point against a litigant of a type so rarely found.

The defendants called two very distinguished medical men, specialists, upon the questions arising in this action. One of them was very positive in saying that the plaintiff should have been treated in a nursing home or institution of that character; and, with this treatment, pronounced, pretty positively, the certainty of speedy and complete recovery. I was much more impressed however by the thoughtful, cautious, and somewhat qualified statements of Dr. McPhedran, the other expert called by the defence.

On the other hand, it is not, and could not be, questioned that Dr. Clifford Reason, also an eminent specialist in nervous diseases, who attended the plaintiff, had opportunities for study of the plaintiff's condition and requirements not open to the defendants' witnesses. I have come to the conclusion that Dr. Reason was right in treating the plaintiff at his home, and that his recovery would not have been, and would not be, facilitated by removing him from his old surroundings. I am not satisfied that the plaintiff, under any kind of treatment, will recover as speedily as suggested by the evidence for the defence, or that he will ever completely recover from the effects of the defendants' negligence.

There will be judgment for the plaintiff for \$2,300 with costs.

Judgment for plaintiff.