

There was no finding that the money or the clothes or the purse were ever taken charge of by anybody connected with the hospital. The jury answered the first question in the affirmative. That question was: "Are you satisfied upon the evidence that the plaintiff had the money in question in his possession when he arrived at the hospital and was taken in charge by the authorities?" That was simply a finding of his being taken in charge; there was no finding that any of his property was taken in charge. They then found, in answer to a question, that the money was lost through the negligence of the defendants. Supposing that there had been a systematic search or verification, all that would have been done would have been to determine that the appellants had or had not the money—that was all.

If there were any idea that the case could be made clearer by a new trial being directed, the Chief Justice said, he would be willing to direct a new trial, but the evidence shewed that this would not be to the interest of the respondent.

He hoped that counsel for the appellants would see fit to suggest to the proper authorities that something be done to help the respondent.

The appeal should be allowed and the action should be dismissed. Costs were not asked.

HODGINS and FERGUSON, JJ.A., agreed with the Chief Justice.

MAGEE, J.A., said that the jury had found that the plaintiff had this money when he was taken in charge in the hospital after the accident—even if they did not mean that the money was taken in charge. From the evidence, as stated by counsel, it would appear that, when lying there, he was asked as to his belongings by the registry clerk, whose duty it presumably was to keep a record of the various articles of patients and take charge of them when the owners were not able to do so themselves. The plaintiff said that he then told the clerk that one of the nurses there had his purse or money. It was upon the plaintiff's statement that he saw the purse which contained the money in the hands of the nurse that the jury had made the direct finding that he had the money; and they had, therefore, given credence to his story. Yet, notwithstanding this statement to the registry clerk, it did not appear that any inquiry was made or care taken to see that the purse or its contents were placed in safe custody—and in some way the money had disappeared. It was said that the plaintiff was treated gratuitously at the hospital; but the trustees receive large grants of public money for the purposes of the hospital, which must include taking due care of patients brought in, perhaps unconscious or suffering, and unable to take charge of