

requested Mr. A—to so treat it for ten minutes every night, and to advise the boy's mother to do likewise every forenoon. The boy was also to come to my office every afternoon at five o'clock. He came only four or five times when I again lost all trace of him and have not had an opportunity to do anything for him since.

In answer to inquiries as to home treatment the boy told me that his mother had not time to treat his hand, and he was always in bed when his father came in at night, consequently there was no home treatment.

During this latter treatment I procured a plaster-cast of another boy's hand, and after padding it carefully would place my patient's hand in the cast with the thumb in an extended position. The hand was kept in the cast by a bandage. This, I afterwards learned, was taken off as soon as the boy would go home.

On the 15th day of January, 1898, I received a letter from Mr. A's Solicitor asking for damages for alleged mal-practice and threatening unless they heard from me, a writ would be issued within a week's time. The letter also stated that Mr. A. would consider any offer of settlement. There was no offer of settlement, consequently at the expiration of a week the promised writ was issued asking for \$6000 damages.

The case came down for trial at the Spring Assizes in Perth, but owing to the inability of the Plaintiffs to secure medical testimony they asked for a postponement. We thought the case would end here, but during the summer the counsel for the Plaintiff secured a medical witness who was willing to give evidence in his behalf.

Consequently at the fall assizes the case went to trial and after a fight, lasting two days, we succeeded in getting a non-suit with judgment for costs.

The Plaintiffs at once appealed to the Divisional Court asking for a new trial on the grounds that "on the evidence the case should not have been taken from the Jury."

After waiting almost a year the Divisional Court, I am sorry to say, gave judgment against us, ordering a new trial and saddling all the costs on me. Mr. B. B. Osler, my counsel, at once appealed from this Judgment of the Divisional Court to the