

# The Ontario Weekly Notes

---

VOL. XIX. TORONTO, FEBRUARY 18, 1921. No. 23

---

## APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

NOVEMBER 10TH, 1920.

GUMINA v. TORONTO GENERAL HOSPITAL TRUSTEES.

*Bailment—Money of Patient in Hospital—Loss of by Theft or otherwise—Evidence—Findings of Jury—Negligence—Liability of Hospital Trustees.*

An appeal by the defendants from the judgment of the County Court of the County of York, in favour of the plaintiff, after trial of the action with a jury at Toronto.

The plaintiff alleged that he was received into the Toronto General Hospital as a patient suffering from severe injuries as the result of an accident, and had with him when entering the hospital the sum of \$461; that, while he was at the hospital, the defendants did not keep his money safe and without diminution or loss, and the whole sum of \$461 was, owing to the neglect and default of the defendants or their servants, taken and carried away from the plaintiff by some person unknown to him, and the said sum was thereby lost to the plaintiff; and he claimed the sum of \$461.

The defendants denied that the plaintiff had the sum of \$461 taken or carried away while in the hospital owing to any neglect or default of their own or of their servants.

The jury answered, in favour of the plaintiff, questions left to them by the trial Judge; and judgment was directed to be entered for the plaintiff for \$461.

The appeal was heard by MEREDITH, C.J.O., MAGEE, HODGINS, and FERGUSON, JJ.A.

H. D. Gamble, K.C., for the appellants.

G. Keogh, for the plaintiff, respondent.

At the conclusion of the argument, MEREDITH, C.J.O., said that the case was an unfortunate one. If this man lost his money after he was taken to the hospital, it was a pretty hard case upon him; but the Court must administer the law.