

(2) There is no sign at present of there ever having been fracture either of the Tibia or Fibula.

(3) Result: the pain will perhaps become less on using the foot, and the displaced parts will gradually become accustomed to their altered relations; but the deformity resulting from the dislocation will be permanent.

(Signed) "GEORGE A. PETERS, M.B., F.R.C.S., Eng."

The question then for trial, is whether the condition of the plaintiff to-day is due to the want of care and skill of the defendants; or, (2) whether the plaintiff's own want of care has resulted in the injury, or whether she has by her own conduct aggravated her injuries; or, (3) whether her present condition is a result which might reasonably be looked for, and which has come to pass having regard to her age and to the nature of the injury, even with the best degree of care and skill of a medical attendant, and the best degree of care and obedience to the doctor's orders on the part of the patient and of those in attendance on her in her own household.

Although I consider it due to all the parties concerned, to pass upon the merits of the case, yet I am bound to give an opinion upon the defence which has been raised under the Statute, of the limitation of the action by reason of the lapse of time. The Statute R.S.O. ch. 176, (The Ontario Medical Act, section 41), is as follows: "No duly registered member of the College of Physicians and Surgeons of Ontario shall be liable to any action for negligence or malpractice by reason of professional services requested or rendered unless such action be commenced within one year from the date, when, in the matter complained of, such professional services terminated."

The writ herein was issued on the 21st day of December, 1900. If, therefore, the defendants' professional services continued up to the 21st day of December, 1899, the statute is not a good defence. The defendants contend that their professional services terminated with the visit of the 12th June, 1899, and that any visits paid by them after that date were friendly visits and not professional ones. Plaintiff contends that she called, as a patient, on defendants at their office on the 21st December, 1899, and on the 11th January, 1900; and that the defendants' professional services did not terminate until the last mentioned date. There is a conflict of testimony between the plaintiff and defendants as to the real date of the last visit but one; the defendants contending that it was not on the 21st December, but on the 21st November, and backing up their statement by evidence of their different professional engagements and journeys on that day, and on the day preceding. However that may be, I