

(1876), 34 Mich. 296; *Loose v. The State* (1903), 120 Wis. 115; and said that the evidence was admissible, and the question must be answered in the affirmative.

It was argued for the prisoner that the omission to include sec. 212 of the Code in the provision (sec. 984) which makes it competent for a Judge or jury to infer the age of a person from his appearance, shewed that this class of evidence was not admissible. That contention was not well-founded. The section does not exclude any other class of evidence by law admissible, but provides a means of determining the age where other competent evidence is not obtainable.

*Conviction affirmed.*

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OCTOBER 28TH, 1915.

**\*HUTH v. CITY OF WINDSOR.**

*Highway—Nonrepair—Cement Sidewalk in City Street—Neglect to Roughen Surface—Dangerous Condition—Notice to City Corporation—Injury to Person—Knowledge of Dangerous Condition—Reasonable Care—Municipal Act, R.S.O. 1914 ch. 192, sec. 460.*

APPEAL by the defendants from the judgment of SUTHERLAND, J., 8 O.W.N. 574, 34 O.L.R. 245.

The appeal was heard by MEREDITH, C.J.O., GARROW, MACLAREN, MAGEE, and HODGINS, J.J.A.

F. D. Davis, for the appellants.

G. A. Urquhart, for the plaintiff.

THE COURT dismissed the appeal with costs.

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OCTOBER 29TH, 1915.

**\*BRYMER v. THOMPSON.**

*Landlord and Tenant—Lease of Flat in Building—Implied Stipulation to Furnish Heat—Collateral Contract—Statute of Frauds—Damages for Inadequate Heating.*

Appeal by the defendant from the judgment of MIDDLETON, J., 34 O.L.R. 194, 8 O.W.N. 527.