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OCTOBER 18TH, 1904.

DIVISIONAL COURT.

MALCOLM v. BRANTFORD STREET R. W. CO.

*Way—Accumulation of Ice—Negligence of Owner of Building  
—Climatic Changes—Injury to Pedestrian—Liability.*

Appeal by plaintiff from judgment of Judge of County Court of Brant dismissing action with costs. Plaintiff, while going to work in the early morning of 6th February, 1904, slipped and fell on an accumulation of snow and ice on the sidewalk alongside of defendants' car barn in the city of Brantford, and was injured. He brought this action to recover damages for his injuries.

L. F. Heyd, K.C., for plaintiff.

E. Sweet, Brantford, for defendants.

The judgment of the Court (FALCONBRIDGE, C.J., STREET, J., BRITTON, J.) was delivered by

FALCONBRIDGE, C.J.—It is unnecessary for the purposes of this decision to discuss the large and important question of the liability, under any view of the circumstances here disclosed, of defendants. The findings of fact of the County Court Judge were very clear and pointed, and were abun-