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MABEE, J.

JUNE 11TH, 1906.

TRIAL.

LUDGATE v. CITY OF OTTAWA.

*Highway—Non-repair—Injury to Pedestrian—Snow and Ice  
—Notice to Municipal Corporation—Gross Negligence—  
Damages.*

Action by Hannah Ludgate to recover \$2,000 damages for personal injuries.

The plaintiff alleged that in the afternoon of the 19th March, 1906, she was walking westward on the south side of Albert street, between O'Connor and Bank streets, in the city of Ottawa, when, owing to the want of repair, slippery, uneven, and dangerous condition of the sidewalk, she fell, broke her arm, and sustained other serious injuries; that the injuries were caused by the gross negligence of the defendants, their servants and agents, in wilfully allowing that portion of the street in question to become and remain out of repair and in a dangerous condition for pedestrians.

The defendants denied the allegations of the plaintiff and charged that the plaintiff's injury, if any, was due to her own negligence and want of care, and that by the exercise of ordinary care and caution she might have avoided the injury.

The action was tried before MABEE, J., without a jury, at Ottawa.

D'Arcy Scott, Ottawa, for plaintiff.

Taylor McVeity, Ottawa, for defendants.

MABEE, J.:—I think in this case the plaintiff has established liability against the defendants.