

Illustrations, where granted—Illustrations, where refused—Not confined to cases where third party liable to plaintiff—Negligent or wrongful act or omission—The Meaning of—Breach of City by-law—How far an omission—Liability of property owner for failure to remove snow or ice—Authorities—Procedure when added party defendant—At instance of plaintiff—At instance of municipality—Third party—Authorities—Practice—Separate action brought against third party—What corporation must show—Whether prior payment necessary—Costs—How and when payable—Where corporations settle claim without action—Limitation of right to remedy over in such cases.

---

## CHAPTER XVI.

### EVIDENCE AND DAMAGES.

Scope of the chapter—The plaintiff's case—What necessary to be shewn—How proved—Onus probandi—On question of proximate cause—On question of contributory negligence—Authorities—Presumptions—Evidence to show similar accidents—How far admissible—Evidence of repairs after the accident—Proof of condition of the same highway at other places—Opinion evidence—Evidence required where there is no eye witness to the accident—Statements of deceased person—When admissible—Defences available to the municipality—How far lack of funds a defence—Authorities—Damages—Principle governing the assessment—Authorities—Damages aggravated by plaintiff's negligence—Damages increased by physician's negligence—Damages under Lord Campbell's Act—Authorities under this statute—Remoteness of damages—Authorities.

---