

barbed wire obstruction on the boulevard and highway and claimed a remedy over and against the defendant Crothers. The plaintiff filed a reply in which she alleged that Mr. Neal had induced her by his representations of the facts and circumstances to withdraw the conduct of the action on her behalf from her solicitors and to place the settlement thereof in his hands, "and he thereupon endeavoured to persuade her to accept the settlement offered her by the defendant Crothers, and for that purpose procured her to sign some paper," and further that she was induced to sign and did sign the same under "the undue pressure and undue influence and representations of the defendant Crothers and the said minister."

The cheque already referred to was retained by the plaintiff without being endorsed and was produced by her at the trial.

The accident undoubtedly occurred on the property of the defendant Crothers, and it is clear, I think, that there is no liability on the part of the defendant corporation. Indeed, it was not seriously contended at the trial that there was. The plaintiff says that her ability to earn has been impaired and that her arm is still stiff and may never be completely well or as useful as before. A medical man called by her said she was all right except for an impaired function or use of the arm for anything above the shoulder and that he did not think there would be much change. A physician called for the defendant Crothers did not differ much in his evidence but said that for ordinary domestic or dressmaking purposes the arm was "quite all right."

There was a city by-law in force at the time of the accident, from which I quote:

"37. To prevent persons crossing boulevards on foot at the corners of streets or lanes and injuring the same, the owner or occupant of any premises situated at the intersection of streets or lanes may (having first obtained permission from the City Engineer) erect and maintain a suitable fence or hedge or railing approved by the said City Engineer, from such premises to the inner edge of the sidewalk.

62. From and after the passing of this by-law no person shall erect or continue along any public street or place in the city any barbed wire fence or any fence constructed partly of barbed wire, within one foot of any such street or place, without at the same time masking or covering with wooden slats or laths of sufficient thickness and breadth the wires