

to the carriage level, made the walking upon the pavements *extra* dangerous. Defendants plead that the accident was not caused by their default or want of care; that in our climate it is impossible to keep snow and ice from accumulating occasionally upon the footpaths in winter; that they never were notified before the accident that the footpath opposite No. 6 was dangerous to walk upon; finally, that they are not liable, &c. That the plaintiff met with the accident alleged, and that she was much hurt is proved. She fractured her arm, it is said; (perhaps not, I say.) She has, however, as result of that accident, a stiff joint. She was three weeks under medical treatment. The chief question in the case is as to the responsibility of the Corporation, under all the circumstances. The accident happened at mid-day. The snow and ice on the pavement where she fell had formed a ridge running parallel with the house lines, and the pavements all were slippery. One witness occupying No. 6 says the pavement was dangerous that whole winter, and that day particularly, from a slight snow which had fallen covering glare ice. Another tenant in the same house says the pavement was *affreux*. These witnesses of No. 6, who knew the pavement to be dangerous, might have taken means to abate the danger, say by working there, to do so; or, by notifying the Corporation. That it was opposite No. 6, that plaintiff was hurt is clear from her own declaration. The defendants prove that they have made a by-law by which householders are bound to keep their winter pavements in order; that they are constantly calling upon people to shovel the snow, level the ice, &c. Plaintiff's witnesses of No. 6, under the Corporation by laws were liable to see to the pavement in front of No. 6. The plaintiff does not attack them, primarily liable, but the Corporation, and without right, I think, under all the circumstances. The Corporation had not been notified of anything, and the accident was the result of snow recently fallen upon an icy surface. On that very morning the police in the employ of the defendants, had called at No. 6, and other