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FERGUSON, J. JANUARY 20TH, 1902.

TRIAL.

McGARR v. TOWN OF PRESCOTT.

Highway—Non-repair—Knowledge of by Municipal Corporation—Time—Negligence—Damages.

Action tried at Brockville, brought to recover damages for injuries sustained by plaintiff owing to non-repair of a board sidewalk on Ann street, in the town of Brockville.

J. A. Hutcheson, Brockville, and A. A. Fisher, Brockville, for plaintiff.

J. B. Clarke, K.C., and J. K. Dowsley, Prescott, for defendants.

FERGUSON, J.—That the plaintiff sustained serious injury is not disputed, and it is conceded that she was not guilty of contributory negligence. It is also admitted that she gave defendants the notice respecting injury, and of intended action. . . The sidewalk was four feet wide, the planks running crosswise of the walk. One of the planks, about ten inches wide, was missing, leaving a hole across the walk of between six and eight inches in depth. . . The injuries of plaintiff are severe. There is beyond doubt a very serious injury to the sciatic nerve on the right side; some of the professional witnesses being of the opinion that the plaintiff may never recover, others that she may in time, opinions differing as to the length of time. . . .Though the professional witnesses were not all of the same opinion, I have no doubt that it is shewn that the injury to the nerve was caused by the fall. . . . I find also that the medical treatment was proper. . . . The population of Prescott is shewn by its mayor to be about 3,000. Ann street is on one side of the town, and not very thickly built upon, and the traffic was shewn to be not very great, nor yet very small, when the locality is considered. The accident occurred at 8.30 p.m. on July 7th, 1901. . . From the evidence I think the sidewalk was in a dangerous condition from June 29th, 1901. One witness