

issue being, as between herself and the defendant, should the defendant pay the \$950.

There will be judgment for the plaintiff for \$950 and interest thereon from the teste of the writ, with costs.

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MULOCK, C.J.

NOVEMBER 30TH, 1907.

TRIAL.

NETTLETON v. TOWN OF PRESCOTT.

*Trial—Jury—Answers to Questions—Inconsistent Findings—Mistrial.*

The plaintiff was confined in the lock-up owned and established by the defendants, the municipal corporation of the town of Prescott, and in his statement of claim alleged that whilst he was so confined the defendants negligently omitted to keep the lock-up reasonably warm, and that such negligence occasioned to him a serious illness, and he brought this action to recover damages because of the injury which he thus sustained. Other causes of action were set forth in the statement of claim, but were abandoned at the trial.

J. A. Hutcheson, K.C., for plaintiff.

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

MULOCK, C.J.:—The evidence of the plaintiff went to shew that at the time of his imprisonment he had Bright's disease; that during the night following his arrest the cell was allowed to become very cold; that the next day he was found to be seriously ill, was removed to his home, and there suffered a protracted illness.

The case was tried with a jury, and the following are the questions submitted to them and their answers:—

1. Were the defendants guilty of any negligence or breach of duty in respect of the heating of the lock-up? A. Yes.