

notice in writing of the "accident and the cause thereof" under the Consolidated Municipal Act, 1903, sec. 606, within the proper time, but did not state therein the precise part of the highway which was out of repair, the notice was held sufficient as affording reasonable information to enable the defendant to investigate, it appearing that the municipality knew the place of the accident and had in fact investigated, on the principle that the Court should not add anything to that which is expressly prescribed by the statute: *Young v. Township of Bruce*, 24 O.L.R. 546.

In an action against a rural municipality in Ontario where (a) the municipality was notified verbally by the plaintiff's employer of the happening of the accident, (b) the plaintiff for part of the period was not in a condition to give the notice, (c) the plaintiff was ignorant of the law requiring the notice; such reasons do not constitute a reasonable excuse for want of notice: *Egan v. Township of Saltfleet*, 13 D.L.R. 884, *supra*.

Where want of notice was pleaded by the defendant the following excuses were held sufficient: (1) notoriety of the accident, (2) defendant's knowledge of it, (3) defendant's knowledge that plaintiff's representative was making the claim, (4) defendant taking the claim into consideration but never giving plaintiff a final answer as to settlement: *Armstrong v. Canada Atlantic R. Co.*, 4 O.L.R. 560.

Ice and snow sidewalk cases call strictly for notice; but it may be dispensed with where reasonable excuse and absence of prejudice are both established: *Drennan v. City of Kingston*, 27 Can. S.C.R. 46.

The legislation and decisions as to the requirement of notice would appear to be more elastic under Workmen's Compensation Laws in the different provinces than under the municipal laws. It will be noted in this connection that the trial Court may adjourn or postpone the trial to enable notice, or amended notice, to be given, under certain of the statutes.

Ignorance of the law is not sufficient excuse, whether or not it may be an element in arriving at a conclusion as to whether the circumstances of the case shew reasonable excuse: *Biggart v. Town of Clinton*, 2 O.W.R. 1092.

The degree of physical and mental disability necessary to constitute reasonable excuse is specially considered in *Drennan v. City of Kingston*, 27 Can. S.C.R. 46, and *O'Connor v. Hamilton* (1905), 10 O.L.R. 529.

For convenience the following summary may be found useful:—

1. The statutory-negligence action requiring notice of accident is in Ontario a modern innovation dating back only to 1892.
2. The notice may be excused for other good causes where the want of notice has not prejudiced the defendant.
3. The other good causes which will suffice to excuse the notice have never been defined, but the Courts are left to reach their own conclusions in the circumstances of each particular case.
4. Proof that the want of notice has not prejudiced the defendant is not of itself sufficient to excuse notice, although it may be an element in considering reasonable excuse.