

1927

# c 103 Contributory Negligence Act

Ontario

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## CHAPTER 103.

## The Contributory Negligence Act.

**1.** In this Act "plaintiff" shall include a defendant counter-claiming, and "defendant" shall include a plaintiff against whom a counter-claim is brought. 1924, c. 32, s. 2.

**2.** In any action or counterclaim for damages, which is founded upon fault or negligence, if a plea of contributory fault or negligence shall be found to have been established, the jury, or the judge in an action tried without a jury, shall find:—

First: The entire amount of damages to which the plaintiff would have been entitled had there been no such contributory fault or neglect;

Secondly: The degree in which each party was in fault and the manner in which the amount of damages found should be apportioned so that the plaintiff shall have judgment only for so much thereof as is proportionate to the degree of fault imputable to the defendant. 1924, c. 32, s. 3.

**3.** Where the judge or jury finds that it is not, upon the evidence, practicable to determine the respective degrees of fault the defendant shall be liable for one-half the damages sustained. 1924, c. 32, s. 4.