

Upon the merits, the applicants had no claim of any character against the bank; to give leave to appeal would be but to open the way to a hopeless undertaking; and, in the interest of the parties, it was best to determine the matter upon the merits.

Application dismissed.

SECOND DIVISIONAL COURT.

JUNE 26TH, 1917.

RE ONTARIO RAILWAY AND MUNICIPAL BOARD AND
TORONTO AND HAMILTON HIGHWAY COMMISSION.

Highway—Toronto and Hamilton Highway Commission—Increased Width of Highway—Apportionment among Municipalities of Additional Cost—Order of Ontario Railway and Municipal Board—Application for Leave to Appeal—5 Geo. V. ch. 18, sec. 13 (O.)

Motion by the Corporation of the Township of Etobicoke for leave to appeal from an order of the Ontario Railway and Municipal Board upon an application made by the Toronto and Hamilton Highway Commission, dividing the additional cost of a wider roadway from O'Connor road, in the township of Etobicoke, easterly to the west limit of the city of Toronto, among the municipalities, in the same proportions as those adopted by the Legislature in regard to the original roadway.

The motion was heard by RIDDELL and LENNOX, JJ., FERGUSON, J.A., and ROSE, J.

A. C. McMaster, for the Corporation of the Township of Etobicoke.

R. S. Robertson, for the Toronto and Hamilton Highway Commission.

Irving S. Fairty, for the Corporation of the City of Toronto.

The judgment of the Court was read by RIDDELL, J., who said, after referring to the provisions of the statutes relating to the Toronto and Hamilton Highway—5 Geo. V. ch. 18, secs. 6, 9, 13, 18, 19 (3), (5), 21; 6 Geo. V. ch. 16; 7 Geo. V. ch. 19—that the Commission decided on a roadway of 18 feet as a general rule, but decided that from O'Connor road easterly to the west limit of Toronto, the roadway should be 24 feet. They applied to the