

seer of the road at one time—up till the latter part of February—"had almost lost his cow" in a pitch hole or snow bank beside it. For the defence the witnesses were not very satisfactory. In the face of the evidence of those 13 witnesses, I think it would be the height of absurdity to give effect to the kind of evidence given by Creighton, Milling, and Simpson. How they could go over this road as often as they say they did without seeing the dangerous condition of the road I failed to appreciate.

5. The defendant had notice of this unsafe and dangerous condition of the road. The warden had the authority of the defendants to make the road safe for travel, and was unlimited as to the expense to do so. It seems there was no expense put upon this road after the 13th March last, although the evidence for the defence brought out that this was the season of the year when the roads were expected to be bad. This particular spot where the accident occurred was notoriously known as a bad place for the accumulation of large snow drifts; and, with very little expense, either by double tracking or snow fences, the whole difficulty could have been overcome.

6. That the plaintiff's horse was injured on this place in the road on 26th March last.

7. That plaintiff's son exercised ordinary care in driving, and was not guilty of any contributory negligence.

8. That plaintiff procured without any delay the services of a veterinary surgeon, and took every care to have the horse recover from the injury received, and he incurred expense in coming to Napanee and for feed and in supplying another horse.

9. That plaintiff within 30 days gave to the defendants the requisite notice of the accident and the cause of the injury, under the statute.

10. That it appears from the evidence, and I find as a fact, that it depended largely upon how nervous the horse was, or at what angle the sleigh or cutter went into the pitch hole whether or not an accident occurred.

In my judgment, there is no necessity for either pitch holes (with or without slush and water) or the accumulation of large quantities of snow being allowed on any travelled portion of the highway for any length of time so as to impede, delay, or obstruct travel thereon. If township councils would avail themselves of the means and methods used and the precautions taken and now adopted by "live