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No. 5

APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

APRIL 3RD, 1917.

*PIPHER v. TOWNSHIP OF WHITCHURCH.

Highway—Nonrepair—Collapse of Bridge under Traction-engine—Liability of Municipal Corporation for Damage to Engine—Notice of Claim and Injury—Sufficiency of Notice Given by Stranger who Made Repairs—Actual Notice to Head of Corporation—Reasonable Excuse for Want of Notice if Notice Insufficient—Absence of Prejudice—Municipal Act, R.S.O. 1914 ch. 192, sec. 460 (4), (5).

Appeal by the defendant township corporation from the judgment of the County Court of the County of York pronounced by COATSWORTH, Jun. Co.C.J., after the trial of the action without a jury, in-favour of the plaintiff.

The action was by the owner of a traction-engine to recover damages for the injury done to it when the bridge over which it was being driven collapsed—arising out of the same occurrence which was in question in *Linstead v. Township of Whitchurch* (1916), 36 O.L.R. 462.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and HODGINS, J.J.A.

James McCullough, for the appellant corporation.

K. F. Lennox, for the plaintiff, respondent.

MEREDITH, C.J.O., reading the judgment of the Court, said that the liability of the appellant corporation for the consequences of the accident having been established in the *Linstead* case, the

* This case and all others so marked to be reported in the Ontario Law Reports.