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No. 5.

HIGH COURT OF JUSTICE.

DIVISIONAL COURT.

OCTOBER 6TH, 1911.

*YOUNG v. TOWNSHIP OF BRUCE.

Highway—Nonrepair—Injury to Traveller—Notice of Accident—Absence of Details—Sufficiency, in View of Knowledge of Council—Municipal Act, 1903, sec. 606(3).

Appeal by the plaintiff from the judgment of the County Court of the County of Bruce dismissing the action, which was brought to recover damages for personal injuries sustained by the plaintiff by reason, as alleged, of the nonrepair of a township highway, upon which he was being carried in a public vehicle on the 8th December, 1908. The vehicle, with the plaintiff in it, went over an embankment, which, as the plaintiff alleged, should have been guarded by rails, but was not. The action was dismissed on the ground that the notice of the accident given by the plaintiff to the defendants was insufficient.

The appeal was heard by BOYD, C., LATCHFORD and MIDDLETON, JJ.

S. F. Washington, K.C., for the plaintiff.

G. H. Kilmer, K.C., for the defendants.

BOYD, C.:— . . . One of the defences is, that no notice of the accident was given, and the statute, the Municipal Act, 1903, sec. 606, sub-sec. 3, is pleaded. It is proved that notice was given on the last day of December, by letter in this form from the solicitors: "We have been consulted by the plaintiff regarding the injury received by him on the 8th December while being driven in the 'bus between Underwood and Port Elgin in consequence of the road being out of repair. No protection was

*To be reported in the Ontario Law Reports.