

from the plate or cross-bar. The connecting link between these two objects was a bolt, and the accident was caused by the bolt giving way or coming out. The buggy was an old one, but it is sworn by both plaintiffs to have been in good condition. The horse ran off and left the female plaintiff in the buggy, which at once began to move backwards down the slope of the hill until it went over the bank. It was moving back so slowly that a trifling obstruction would have arrested its course. She was alone in the conveyance and had no means of stopping or checking its backward career. She made some effort to get out, but at her time of life she could not do so; and, if she had succeeded, she might have suffered severer injuries.

I find, therefore, that the direct cause of the injury was the want of a guard-rail at that point.

The road foreman swore that he called the reeve's attention to the necessity of a guard-rail at that point at every meeting of the council; he said, further, that this point and another, 150 yards further on, were the two worst places in the township, or at any rate on his beat.

I assess the damages to the male plaintiff at \$100 and to the female plaintiff at \$500, with costs of suit on the High Court scale.

FEBRUARY 4TH, 1913.

*STRANG v. TOWNSHIP OF ARRAN.

Highway—Nonrepair—Failure to Replace Bridge Carried away by Freshet—Liability of Township Corporation—Status of Highway—Dedication—Acceptance by Council—Statutory Duty to Repair—Municipal Act, 1903, secs. 606, 607—Application of sub-sec. 3 of sec. 606 to Cases other than "Accident" Cases—Necessity for Notice—Damages—Costs.

Appeal by the plaintiffs from the judgment of the Senior Judge of the County Court of the County of Bruce, dismissing (with costs) an action brought in that Court by residents of the unincorporated village of Allenford, in the township of Arran, in the county of Bruce, for damages because of the nonrepair of a highway known as Mill street and failure to replace a bridge which formerly stood upon Mill street where it crossed the

*To be reported in the Ontario Law Reports.