

the scale turned sufficiently in the plaintiff's favour to entitle him to judgment. Great importance was attached by the learned Chief Justice to the evidence of D. H. Porter, who lived in the immediate vicinity of the locus, and of J. W. Laidlaw, ex-reeve of Westminster. The accident and the plaintiff's injuries were caused by the nonrepair of the highway, of which the defendants had notice, both on the evidence of Porter and by reason of the long-continuance of the state of nonrepair. The defendants had failed to establish negligence or contributory negligence on the plaintiff's part. Damages assessed at \$2,500.—Referring to the authorities who prefer positive to negative statements—assuming a reasonable degree of honesty all round—the learned Chief Justice felt bound to say that some of the ancient dicta go too far, especially in view of the fact that he who denies, inferentially affirms: e.g., the man who denies that a road is out of repair, declares that it is in good repair. Not giving undue weight to this aspect of the case, it had some influence on the mind of the Chief Justice.—Judgment for the plaintiff for \$2,500 with costs. E. Meredith, K.C., and W. R. Meredith, for the plaintiff. T. G. Meredith, K.C., and R. G. Fisher, for the defendants.