

Harcourt Ferguson, for the plaintiffs.

J. A. Worrell, K.C., for the transferees.

HON. MR. JUSTICE LENNOX dismissed the appeal with costs.

SUPREME COURT OF ONTARIO.

SECOND APPELLATE DIVISION.

OCTOBER 2ND, 1913.

OTTAWA AND GLOUCESTER ROAD CO. v. CITY OF
OTTAWA.

5 O. W. N. 57.

Municipal Corporations—Liability for Repair of Bridge — Bridge between Township and City—Ownership in Road Company — Notice of Abandonment by—Validity of—General Road Companies' Act—R. S. O. 1897, c. 193, ss. 8, 50-103—Municipal Act, 3 Edw. VII., c. 19, s. 613, s.-s. 2—Devolution of Liability — Costs.

Action by a road company to determine the liability for use, maintenance and repair of a bridge crossing the Rideau river in the county of Carleton, and connecting the city of Ottawa and the township of Gloucester. Plaintiff had given the statutory notices of abandonment of the bridge section of the road, but the county refused to admit their validity and claimed plaintiffs were still liable for the maintenance of the same. The portion of the road within the city had been purchased from plaintiffs some time before, and this portion included part of the bridge.

KELLY, J., 24 O. W. R. 344, *held*, that the notices of abandonment given by plaintiffs were valid, and that the responsibility for the maintenance of the bridge devolved upon the county and the city and not upon the township, under the Municipal Act.

Reg. v. Haldimand, 38 U. C. Q. B. 396, distinguished.

SUP. CT. OF ONT. (2nd App. Div.), affirmed above judgment.

Appeal by the defendant municipality of the City of Ottawa from a judgment of HON. MR. JUSTICE KELLY, 24 O. W. R. 344; 4 O. W. N. 1015.

The appeal to the Supreme Court of Ontario (Second Appellate Division), was heard by SIR WM. MULOCK, C.J.Ex., HON. MR. JUSTICE RIDDELL, HON. MR. JUSTICE SUTHERLAND, and HON. MR. JUSTICE LEITCH.

F. B. Proctor, for the appellant municipality.

J. Grayson Smith, for the other defendants.

G. F. Henderson, K.C., for the plaintiffs.

THEIR LORDSHIPS' judgment was delivered v. v., dismissing the appeal with costs.