

was a particularly dangerous one, and was known to be such by the defendants, who had not taken effective measures to render it reasonably safe for persons lawfully using the street. Whether the condition of the crossing was due to "gross negligence" (Municipal Act, sec. 460 (3)) must depend, as pointed out by Anglin, J., in *German v. City of Ottawa* (1917), 56 Can. S.C.R. 80, at p. 89, "upon the notice of the existence of the dangerous condition which the city authorities actually had, or which should be imputed to them, and their opportunity of remedying it."

In this case the city authorities were well aware that the crossing was in a dangerous condition, but the means which they adopted to provide a remedy were insufficient and ineffective.

There was no reason to doubt the correctness of the conclusions arrived at by the Court below. The appeal should be dismissed.

BRITTON, J., agreed in the result.

MIDDLETON, J., in a written judgment, said that there was a condition full of peril known to the defendants, and an attempt to cope with the situation which was quite inadequate and which ought to have been appreciated as inadequate by those in charge. This constituted gross negligence.

The appeal should be dismissed.

MEREDITH, C.J.C.P., read a dissenting judgment in which he discussed the facts and reviewed the evidence with care. His conclusion was, that, upon all the testimony, it was impossible to find the defendants guilty of gross neglect of their duty to keep the highways in repair.

*Appeal dismissed with costs (MEREDITH, C.J.C.P., dissenting)*

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SECOND DIVISIONAL COURT.

MARCH 21ST, 1919.

\*POHLMAN v. HERALD PRINTING CO. OF HAMILTON LIMITED.

*Libel—Newspaper—Libel and Slander Act, sec. 8—Notice before Action Specifying Statement Complained of—Inadequate Notice—Failure to Specify Portions of Newspaper Article Said to be Libellous—Faults of Notice not Curable—Dismissal of Action, notwithstanding Verdict for Plaintiff—Refusal of New Trial—Effect of sec. 15 of Act—Statement in Newspaper of Names of Proprietor and Publisher.*

Appeal by the defendants from the judgment of FALCONBRIDGE, C.J.K.B., upon the verdict of a jury, in favour of the plaintiff for the recovery of \$100 and costs in an action for libel.