

was entitled, and, in so ascertaining it, to consider the evidence of loss of business and make such allowance therefor as forming part of the compensation to be allowed as he might think best in the circumstances.

☛ The costs of this appeal and the costs of the reference back should be costs in the cause.

MULOCK, C.J. Ex., and SUTHERLAND, J., agreed with CLUTE, J.

KELLY, J., agreed in the result, for reasons stated in writing.

RIDDELL, J., read a dissenting judgment. He was of opinion that nothing should have been awarded for loss of business.

*Order directing a new ascertainment
of compensation.*

SECOND DIVISIONAL COURT.

JANUARY 10TH, 1919.

*RAYMOND v. TOWNSHIP OF BOSANQUET.

Highway—Nonrepair—Accident to Motor-vehicle—Injury to Passenger—Approach to Narrow Bridge—Barricade upon Highway—Duty of Township Municipality under sec. 460 of Municipal Act, R.S.O. 1914 ch. 192—Needs of Traffic—Proximate Cause of Accident—Findings of Trial Judge—Reversal on Appeal.

Appeal by the defendants from the judgment of MEREDITH, C.J.C.P., 43 O.L.R. 434, 15 O.W.N. 6.

The appeal was heard by MULOCK, C.J.Ex., CLUTE, RIDDELL, and SUTHERLAND, JJ.

I. F. Hellmuth, K.C., and A. Weir, for the appellants.

J. M. McEvoy and E. W. M. Flock, for the plaintiff, respondent.

KELLY, J., read a judgment in which he set out the facts in detail and quoted portions of the evidence. The accident occurred on the 26th July, 1917. The plaintiff was a passenger in a motor-car driven by one Keene. Proceeding northward, the car approached the place where the accident occurred. On the west or left-hand side of the roadway, and within the limits of the road allowance, there was an open ditch or stream; the defendants had,