

RIDDELL and LATCHFORD, JJ., agreed with MIDDLETON, J.

MEREDITH, C.J.C.P., agreed in the result, for reasons stated in writing.

Appeal dismissed with costs.

SECOND DIVISIONAL COURT.

OCTOBER 31st, 1919.

*WALKER v. TOWNSHIP OF SOUTHWOLD.

*GOSNELL v. TOWNSHIP OF SOUTHWOLD.

*Highway—Nonrepair—Injury to Passengers in Motor Vehicle—
Statutory Obligation of Township Corporation—Municipal
Act, sec. 460—Evidence—Condition of Road—Cause of Accident.*

Appeals by the defendants in the two actions from the judgments of Masten, J., 16 O.W.N. 265 and 266.

The appeals were heard by MEREDITH, C.J.C.P., LATCHFORD and MIDDLETON, JJ., and FERGUSON, J.A.

Shirley Denison, K.C., and W. K. Cameron, for the appellants.

O. L. Lewis, K.C., and R. L. Gosnell, for the plaintiff, respondent.

MEREDITH, C.J.C.P., read a judgment in which he said that the judgments appealed against should not stand because altogether inconsistent with the judgment of this Court in the latest like case considered in it—Raymond v. Township of Bosanquet (1919), 45 O.L.R. 28—the only substantial difference being that this case was the stronger one for the defendants.

Each was the case of an abrupt turn into a narrower and more dangerous part of a highway: in the Bosanquet case the turn was more abrupt and was immediately upon a narrow bridge, not made for the purposes of a highway, but for the purposes of access to a highway from one farm only; whilst in this case it was all a roadway which had always been a highway. In the Bosanquet case a previous accident had occurred, and there was considerable evidence as to difficulty and danger encountered in turning sharply into the narrow bridge; in this case there was no evidence of that character—the contrary was well-proved. In the Bosanquet case there was evidence of complaints made and investigated; in this case it was proved that there were none. In