

Reference to Tomlinson v. Hill (1855), 5 Gr. 231; Soper v. City of Windsor (1914), 32 O.L.R. 352; Re Hunt and Bell (1915), 34 O.L.R. 256, 263.

The taxes assessed against the strip of land in question became a charge upon that land and every interest in it, including any right of way to which the defendants may have been entitled, and the sale and conveyance of the strip for taxes extinguished that right.

This conclusion being reached, it was unnecessary to consider whether the defendants had acquired a right of way.

Judgment for the plaintiffs for the relief claimed with costs.

LATCHFORD, J.

JUNE 6TH, 1918.

*ROE v. TOWNSHIP OF WELLESLEY.

Highway—Nonrepair—Injury to Person in Motor-vehicle—Failure to Establish Negligence of Rural Municipality in Regard to Condition of Highway—Duty in Respect of Motor-vehicles—Rate of Speed—Driver under Statutory Age—Motor Vehicles Act, R.S.O. 1914 ch. 207, sec. 13 (7 Geo. V. ch. 49, sec. 10)—Unlawful Use of Highway—Want of Reasonable Care—Action for Damages for Injuries—Dismissal.

Action for damages for injury sustained by the plaintiff Margaret Roe by reason of a motor-car in which she was being driven along a road in the township of Wellesley dropping into a hole at the edge of a bridge forming part of the roadway, and for the expense to which her husband and co-plaintiff was put by reason of her injury.

The action was tried without a jury at Toronto.

A. E. Knox, for the plaintiffs.

Gideon Grant, for the defendants, the Municipal Corporation of the Township of Wellesley.

LATCHFORD, J., in a written judgment, said that the plaintiff Margaret Roe was injured when the motor-car in which she and her husband were being driven by their son, a boy under 16, passed at a rapid rate off the bridge, on the 5th June, 1916. For all the injury actually sustained by her \$500 would be liberal compensation; and the total damage suffered by her husband would not exceed \$100.