

actual value from the time of sale until his report and was sustained in the Divisional Court.

The appeal, I think, should be dismissed with costs.

HON. MR. JUSTICE MACLAREN, HON. MR. JUSTICE CLUTE and HON. MR. JUSTICE LEITCH agreed.

SUPREME COURT OF ONTARIO.

SECOND APPELLATE DIVISION.

JUNE 15TH, 1914.

PARKER v. DYMENT BAKER LUMBER CO.

6 O. W. N. 559

Negligence—Archway over Roadway—Driver on Load Crushed between Archway and Loaded Waggon — Died Later—Action by Widow to Recover Damages under Fatal Accidents Act—Deceased in Position of Licensee or Invitee—Duty of Owner of Premises.

KELLY, J., held, that plaintiff had failed to shew that the archway was a trap or hidden danger and dismissed the action.
SUP. CT. ONT. (2nd App. Div.) affirmed above judgment.

Appeal by the plaintiff from a judgment of HON. MR. JUSTICE KELLY, dismissing the action.

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

P. H. Bartlett and J. F. Faulds, for plaintiff, appellant.
G. S. Gibbons, for defendants, respondents.

HON. MR. JUSTICE SUTHERLAND:—The plaintiff's husband, a teamster, had come upon the defendant's premises with a horse and waggon for laths and after loading, with the assistance of one of their employees, proceeded to drive out. In doing so it was necessary to go along a passage or roadway through a building of the defendants which had an archway at either end, that which he entered first, the westerly, being 9 feet. 8¾ inches in height and 10 feet 10 inches in width at the bottom where cement blocks had been inserted at each