

Supreme Court of Canada
Town of Oakville v. Cranston, (1917) 55 S.C.R. 630

Date: 1917-06-22

Town of Oakville

and

Cranston

1917: June 7, 22.

Present: Sir Charles Fitzpatrick C.J. and Davies, Idington, Duff and Anglin JJ.

ON APPEAL FROM THE APPELLATE DIVISION OF THE SUPREME COURT OF ONTARIO.

Municipal corporation—Negligence—Maintenance of roads.

APPEAL from a decision of the Appellate Division of the Supreme Court of Ontario¹, affirming, by an equal division of opinion, the judgment at the trial², in favour of the plaintiff.

The plaintiff while riding in a cutter through the Town of Oakville was thrown out and injured. At the place where the accident occurred there was a “pitch hole” in the snow which was the cause of it. An action for damages was tried without a jury and the trial judge held that the road was not in a proper state of repair and that the municipality was liable. His judgment was affirmed on appeal.

The Supreme Court of Canada after hearing counsel and reserving judgment dismissed the appeal, Davies J. dissenting.

Appeal dismissed with costs.

H.J. Scott K.C. and W.A. Chisholm for the appellant.

James Lawson for the respondent.

¹ 10 Ont. W.N. 315.

² 10 Ont. W.N. 175.