

7. According to the original plans and specifications the bridge was designed for ordinary vehicular traffic and not for a tramway. The highest factor of safety in the iron work of the bridge was 11, but in some parts the factor of safety was as low as from 5 to $5\frac{1}{2}$. The highest factor of safety of the wood work was 4.

RECORD.

p. 118, l. 12.
p. 121, l. 40.
p. 134, l. 18.
p. 121, l. 40.

After the plans and specifications for the bridge had been accepted, but before the bridge was constructed, it was deemed advisable to add side-walks on each side for foot passenger traffic.

p. 139, l. 9.

The floor system of the bridge, according to the original design, had a weight of 5 tons. The addition of the two side-walks increased this weight to $7\frac{1}{2}$ tons, 50 per cent. in excess of the weight as originally designed. The carrying capacity of the bridge was thus reduced by the amount of this extra weight, *i.e.*, by $2\frac{1}{2}$ tons. When the tramcar rails were laid down by the Tramway Company under their statutory powers, as hereinafter stated, the rails were not placed in the centre of each span but three-quarters of the way to one side. The effect of the additional weight of the side-walks and of the tramcar rails being placed on one side, instead of in the centre of the spans of the bridge, was to reduce the factor of safety in the iron work from 11 to $5\frac{1}{2}$, and in the wood work from 4 to 2.

p. 139.

pp. 149, 150,
155, l. 20, &
seq.

The original design of the bridge was also departed from in the following particulars. According to the original plans and specifications, weldless iron was to have been used, whereas in fact all the eye bars in the diagonal rods of the bridge were welded. The effect of this alteration from the original design was to diminish the reliability of the strain sheets to an extent which would vary according to the imperfections in the welded iron which was used.

p. 160, l. 30,
seq.

8. The Tramway Company (*i.e.*, The Consolidated Railway Company and their predecessors in title) were authorised and empowered by statute to construct and maintain a single or double line of tramways between (among other places) the City of Victoria and the Town of Esquimalt, for the purpose of carrying passengers and freight. The Tramway Company were also authorised and empowered to use either electric or any other motive power which was considered expedient.

9. The line of tramways which the said Company were authorised and empowered to construct included Point Ellice Bridge which was then outside the limits of the City of Victoria.

10. Tram lines were constructed on the said bridge by the Tramway Company, and tramcars were run by the said Company over the said bridge on lines which had been laid down on the said bridge before the limits of the City of Victoria were extended. The Tramway Company constructed the said lines and ran the said tramcars under the powers vested in them as aforesaid, and not subject to or under the control of or under agreement with the Appellants.