

wires west of the bridge across the ravine on poles along the sides and bottom of the ravine, the wire as it came up the incline at the north end of the bridge being between 6 and 7 feet from the west side of the bridge, according to the recollection of such witnesses as could speak to its position at that time. The right of the defendants to erect these poles and carry their wires across the ravine in this manner was not in dispute, and the wires or some of them were connected with poles for arc lights a short distance beyond the north and south ends of the bridge.

In course of time the bridge became out of repair and dangerous, and, while it had become of great importance to a large section of the public in the city and township, the company who had built it had ceased to have much, if any, interest in its maintenance, and had put up a notice that persons using it did so at their own risk, and the township corporation disclaimed any obligation to repair it.

The legislature finally intervened, and by 3 Edw. VII. ch. 89, after reciting that the bridge had become to all intents a public highway, enacted that the township, without passing any by-law for the purpose, should reconstruct and repair it as a local improvement, assessing the cost upon the property benefited as described in the Act. The works were to be performed under the supervision of a competent engineer to be appointed by the County Judge, but their construction was not to impose upon the township any liability for their future maintenance and repair.

The new bridge thus built by the township under the authority of the Act was being practically used for traffic of all kinds by the end of the first week in August, 1904, though some work remained to be done upon it, and it was not finally approved by the engineer in charge until the middle of September, subject to some painting being done upon it, which seems not to have been completed before 1st October.

The bridge was an iron structure, 4 feet wider on each side than the old one, or in all a trifle more than 32 feet wide. On each side it was protected by a lattice-work iron railing 4 feet 1 inch in height above the sidewalk of the floor of the bridge, with lozenge-shaped openings therein, 16½ inches in width. The distance between the railing and defendant company's wire, as reduced by the widening of the bridge, was variously stated as from 14 to 20 inches, the wire being, at