

structed so that no smoke or visible vapour was emitted therefrom, except from some temporary or accidental cause. The justices found that the emission of smoke was not only due to the negligence of the driver, but also to the fact that the engine did not consume, so far as practicable, its own smoke, and they were not satisfied that the emission was due to any temporary or accidental cause. On these findings the Divisional Court was of opinion that a conviction under s. 30 of the Act of 1878 was right, Mr. Justice Darling pointing out that the engine really did that which it was designed not to do.

The law on this point seems to be as follows—namely, that a motor-car, to claim the exemption given by the Act of 1896, from the Act of 1878, must, in addition to the earlier requirements of s. 1 of the Act of 1896, be shewn to the justices to be so constructed that no smoke or visible vapour is emitted therefrom, except from any temporary or accidental cause, and the fact that smoke is emitted is evidence upon which they may find as a fact that the provisions of the Act of 1896 are not complied with. If that is found by the justices, then s. 30 of the Act of 1878, applies, and, in order to avoid a conviction under that section, it must be shewn that the motor-car is constructed on the principle of consuming its smoke and that in fact it does consume, so far as practicable, its own smoke, although a conviction may follow if either of these conditions are not complied with.

Turning now to the Parks Regulation Act, 1872, a speed limit of ten miles an hour is imposed on motor-cars by a regulation made thereunder in April, 1904, and there have been several decisions as to the indorsement of licenses when a conviction has followed for exceeding such limit. In *Musgrave v. Kennison* (92 L.T. Rep. 865; 20 Cox C.C. 874), a case which we dealt with in our former article, it was held that the regulation of 1904 was a good one, and we pointed out that it appeared that, if any a good one, and we pointed out that it appeared that, if any conviction took place for exceeding that speed limit, indorsement of the license under s. 4 of the Motor Car Act, 1903, appeared to be