

ments do not apply, as the Court has no power to amend a petition of right without the consent of the Crown and that any proposed amendment must be first submitted to the Lieutenant-Governor and approved of by him.

*F. Aylesworth*, for suppliant. *N. Ferrars Davidson*, for the Crown.

Mulock, C.J. Ex., Anglin, J., Clute, J.]

[Oct. 4.

RE VILLAGE OF NEWBURGH AND COUNTY OF LENNOX AND ADDINGTON.

*Municipal law--Liability of county for maintenance of bridge.*

Appeal by the county from the judgment of the county judge who found that the county was required to build and maintain certain bridges crossing the Napanee River in the Village of Newburgh. The river in question, where it passes through the Village of Newburgh, divides into two channels, which re-unite, enclosing an island. These two channels at that point constitute the river. The river is more than 100 feet in width above and below the island. The road, which it is admitted, is a highway leading through the county, passes over these channels by bridges. The channel crossed by one bridge is 38 feet in width, and the channel crossed by the other bridge is 80 feet in width. The island contains 5 or 6 acres. The question was, whether, under the Act, the county council had exclusive jurisdiction over these bridges. The statute declares that the county council shall have exclusive jurisdiction over all bridges crossing streams or rivers over 100 feet in width.

*Held*, that the statute has reference to the width of the river, and not to the length of the bridge. The two channels of the river being together, admittedly over 100 feet in width at the place where it is crossed by the bridges in question, the matter is concluded. The case is one clearly within the purview of the statute. See *Regina v. County of Carleton*, 1 O.R. 277.

*McIntyre*, K.C., for appellants. *Whiting*, K.C., for village corporation.