

lar one would have to depend upon its own conditions, and I am dealing only with the particular case which has been brought before me.

It is contended by defendants that the structure is not a bridge, but only a culvert. It is a circular concrete pipe with an inside diameter of 3 feet. The concrete is 6 inches thick, and there is about a foot of gravel on the top of the pipe. It replaced an old bridge about 8 or 10 feet in span, which had fallen into disrepair.

The dernier cri of dictionary-making in our language is being issued from the Clarendon Press, Oxford, and edited by Dr. James A. H. Murray. From it I take the following article:—

“Culvert—a recent word of obscure origin. It has been conjectured to be a corruption of *F. couloir*, . . . . a channel, gutter, or any such hollow, along which melted things are to run, *f. couler* to flow. But points of connexion between the *Fr.* and *Eng.* words, in form and sense, are wanting. On the other hand, some think ‘culvert’ an *Eng.* dialect word, taken into technical use at the epoch of canal-making. No connexion with covert has been traced.

“A channel, conduit, or tunnelled drain of masonry or brick-work conveying a stream of water across beneath a canal, railway embankment, or road; also applied to an arched or barrel-shaped drain or sewer.

“Used from c. 1770 in connexion with canal construction; thence extended to railways, highways, town-drainage, etc. In connexion with railways and highways, it is sometimes disputed whether a particular structure is a ‘culvert’ or a ‘bridge.’ The essential purpose of a bridge, however, is to carry a road at a desired height over a river, and its channel, a chasm, or the like; that of a culvert to afford a passage for a small crossing stream under the embankment of a railway or highway, or beneath a road where the configuration of the surface does not require a bridge. Locally, the term ‘culvert’ is often limited to a barrel drain, bricks shaped for which are known as culvert-bricks.”

When the above is read in connection with the case of *Township of North Dorchester v. County of Middlesex*, 16 O. R. 658, it is manifest that this particular structure is a “culvert” and not a “bridge.” That case was decided in 1889, and since that time the section of the Act (then sec. 535 of ch. 184, R. S. O. 1887) has been amended by the insertion, after “rivers,” of the words “streams, ponds, or