

car was seen by Miss Weir, according to her estimation, at a distance equal to the depth of the court-room before they reached it. The car was standing near to but outside of Mr. Findlay's gateway. According to photographs put in, High street at this point is a well-travelled, level road, used for vehicular traffic over the whole space of the highway except a strip boulevarded next the fence on the left side and a grass waste along the fence on the opposite side. The car was outside the boulevard. The car was dead, and no lights were burning. When opposite the car, the horse took fright, reared, and on coming to the ground knuckled over, and was found, on examination shortly afterwards by a veterinary surgeon, to have broken his leg. He proceeded on three legs until stopped and unhitched about half a block further on. It is not suggested that any other object than the car caused the fright. According to the defendants' admissions, the car had been standing there from 5 o'clock p.m. until 8.30 or 8.35 p.m. The only evidence as to the identity and ownership of the car is that contained in the testimony of both defendants, who were joint owners. No suggestion is made that more than one car was seen at this point during that afternoon or evening, and I think it is reasonably clear that, if a motor car was the immediate cause of this accident—a circumstance which it is not sought to deny—that car was the defendants'. As to the time of the accident the defendants have given the only definite evidence, viz., that the car left with Mrs. Findlay sen. for her residence at about 8.35. It must be accepted then as a fact that the accident occurred prior to this hour, i.e., at some moment before the car was moved off.

The case was prepared, presented, and argued, on both sides, largely as it seemed affected by the several phases of the Motor Vehicles Act, 2 Geo. V. ch. 48, as amended by 3 & 4 Geo. V. ch. 52 (now R.S.O. 1914 ch. 207), and particularly with reference to the need of a lighted lamp on the front or rear of the car or in both positions, as required by sec. 6(2) and sec. 8(3) of the Act. It is not easy to say just what the language of these subsections means. Section 6(2) requires a lighted lamp on the front "after dusk and before dawn," while, by sec. 8(3), the light is required on the rear "at all times between dusk and dawn." Two witnesses, one on each side, were summoned as experts to shed light on the word "dusk." These gentlemen agree that no recognised legal definition exists, and that recourse must be had to reputable dictionaries, but that it is ordinarily accepted that "dusk" is the period of the 24 hours which inter-