

this section—first, smoke-consuming construction; and, secondly, consumption, so far as practicable, of the smoke. By the Act of 1896, locomotives under a certain weight, and not drawing more than one vehicle, were exempted from s. 30 of the Act of 1878, provided that the locomotive was "so constructed that no smoke or visible vapour is emitted therefrom, except from any temporary or accidental cause," and it is to be noticed that this section only applies to construction, so far as those motor vehicles that otherwise complied with the section are concerned. The first case that arose under these sections was *ex v. Wilbraham; Ex parte Rowcliffe* (96 L.T. Rep. 712; 21 Cox C.C. 441). In that case the owner of a motor-car had been convicted for using on a highway his motor-car which did not consume, so far as practicable, its own smoke, contrary to the Act of 1878. The motor-car came within the provisions of the Act of 1896, and the emission of smoke was due to the negligence of the driver, and it was held that, as this emission of smoke was due to a temporary cause, no offence had been committed, and the conviction must be quashed. The next case also arose on a summons under s. 30 of the Act of 1878 (*Starr Omnibus Company v. Tagg*, 97 L.T. Rep. 481; 21 Cox C.C. 519). The offending vehicle was a motor omnibus, and it was there found that the engine was a smokeless engine and that the smoke emitted was caused through the negligence of the driver applying an excessive quantity of lubricating oil. The court was of opinion that, as the engine was so constructed that no smoke was emitted except by the driver's negligence, the Act of 1896 applied, and so exempted the vehicle from the provisions of the Act of 1878. It was further of opinion that even if the earlier Act applied, that statute did not cover the case of supplying an excessive quantity of lubricating oil to the machinery of a properly constructed engine which consumed its own smoke. The last case on this question, and the one which really points out the true meaning of these sections, was *Hindle v. Noblett* (99 L.T. Rep. 26). In that case the summons was under s. 30 of the Act of 1878, and evidence was given of the emission of an excessive quantity of smoke on a highway. Uncontradicted evidence was called that the engine was con-