

claim their costs as proper disbursements in accounting thereafter to the petitioner.

*F. E. Hodgins*, K.C., and *D. T. Symons*, for the appellant, the petitioner. *G. F. Shepley*, K.C., and *J. H. Moss*, for the respondents, the trustees.

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Meredith, C.J., MacMahon, J., Teetzel, J.] [Jan. 21.

RE TOWNSHIP OF WILLIAMSBURG AND UNITED COUNTIES OF STORMONT, DUNDAS AND GLENGARRY.

*Municipal corporation—Bridge—Maintenance.*

Appeal from an order made by the senior judge of the County Court of the United Counties. The question was whether the bridge under discussion was a bridge over 300 feet in length within the meaning of section 617 of the Con. Mun. Act 1903; and whether enough of the travelled road east and west of the structure, 44 feet in length to make up 300 feet, formed part of the bridge.

*Held*, that the travelled road being above rather than for the purpose of bridging the stream it was not to be considered as part of the bridge, (see *Re Mudlake Bridge*, 12 O.L.R. pp. 161-2). The general law casts upon local municipalities the duty of maintaining roads and bridges within their limits, and the respondents do not bring themselves within the exception.

Appeal allowed.

*Macintosh*, for appellants. *Hilliard*, for respondents.

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Anglin, J.] FOX v. CORNWALL STREET RAILWAY CO. [Jan. 21.

*Street railways—Duty as to highways—Wearing down—Liability of municipality.*

Plaintiff claimed damages for injury sustained by being thrown from his waggon, the front wheel of which came in contact with the rails of the defendants, due to the wearing down of the adjacent portion of the highway.

*Held*, that the rails must be taken to have been properly laid in the first instance, in compliance with s. 20 of R.S.O.,