

case in 15 O.W.N. page 410, "that the extra width had, or might have had, nothing to do with causing the accident, has no significance. The truck should not have been there at all. The plaintiff smashed the defendant's bridge unlawfully and should pay for it. It was of no importance that the same thing might have happened had the plaintiff used a lawful instrument—the fact was that he did not. The appeal should be allowed with costs, the action dismissed with costs, and the defendants should recover on the counterclaim the sum necessary to replace the bridge, to be agreed upon by the parties, or, in the absence of an agreement, on a reference. The defendants should have their costs throughout on the County Court scale."

It was clear and there was no attempt to deny the fact, that the bridge was not sufficiently strong to carry the weight allowed by the statute. The accident was due entirely to the defendant's insufficient highway, and if the motor had been 90 inches in width instead of 96 the plaintiff was admittedly entitled to damage, but as it was 96 inches in width he could not.

It is also clear from the whole tenor of the statute, which, by the way, is an Act "to regulate the load of vehicles operated on highways," that the intention of the Legislature was to have bridges of sufficient strength to carry the heavy vehicular traffic referred to throughout the Act. The statute gives no reason for the limited width in section 6. The extra width of a vehicle had nothing to do with the accident.

If the statute had required a certain style of lamp, would a breach of such a provision excuse the municipality from not having proper bridges? If not, it is difficult to see how this extra width, which had nothing to do with the accident, was so important in the mind of the learned Judge who delivered the judgment of the Divisional Court.

It may be remarked that section 6 is foreign to the subject matter of the statute. What it means, or what it is intended to provide for or against, is a mystery. The width of the truck has manifestly nothing to do with the safety of the bridges. It is not coupled with the previous section which refers to the weight of the load, nor has it anything to do with the rate of speed. These