

road, and extended in a south-easterly direction towards it deepening just as they approached it.

Before 1907, at times of freshet, the waters running through and along these water-courses broke away the road at a point in front of the plaintiff's land and a little to the east of the westerly line thereof and formed a well-defined channel, or cove, as it is called, extending from the road southerly to the river Thames, which turns easterly and slightly southerly from the point where the bridge crosses it. To the east of the flat lands already mentioned the land is somewhat higher.

Before the road and bridge were taken over and assumed by the county, it appears that when freshets occurred, as they did from time to time, and the road was thus pierced and broken away by the water, the practice was to simply repair it again until the next high water took it away.

About the time the county took over the road the wooden bridge, which was one of the three spans of 72 feet each, or in all 216 feet, had been partly carried away by a spring flood. A breach had also been made in the road as the waters made their way into the cove and thence to the river.

In the year 1908 the council passed a resolution authorizing one Talbot, who had been the engineer of the county since the year 1901, and though not a college graduate, had had considerable experience in such work, to prepare plans for the construction of a new bridge. He investigated the conditions, came to the conclusion that in order to preserve the new bridge, when constructed, it would be desirable to close up the cove, and so reported to the council. He was directed to and did prepare plans which were submitted to the council and approved of by it.

Tenders were asked for the work and dealt with at the June session of the council in that year. A committee was appointed in connection with the improvements and the grading of the road, which was part of the recommended scheme.

Talbot, in his evidence, says that the plaintiff intimated that if the cove were to be closed the grade of the road must be raised. It seems that it then became apparent that a larger amount would be required to be expended in the contemplated work than was at first thought necessary and arranged for, and the matter was left over until the year 1909.

Talbot, after further investigation and consideration, came to the conclusion that there should be a bridge with two spans of 120 feet each (240 feet in all), thus providing 24 feet of