

# Canada Law Journal.

---

---

VOL. LV.

TORONTO, APRIL 1919.

No. 4

---

---

## *RIGHTS OF VEHICLES ON HIGHWAYS.*

The judgment of the Second Divisional Court, Supreme Court, Ontario, in *Sercombe v. Vaughan* comes as a surprise to the motor truck community, but will be a great comfort to the municipalities who have hitherto built bridges without regard to the traffic of the heavy motor cars which have recently come into use throughout the Dominion. This decision is so far-reaching and important as to demand more than passing notice.

This case came on appeal from the judgment of Coatsworth, J.J.C.C. York, who found in favour of the plaintiff for damages in respect of an accident to his motor truck by falling through a bridge on a public highway in the township of Vaughan. It is provided by the Act to Regulate the Load of Vehicles operated on Highways (6 Geo. V. c. 49) that no vehicle shall be operated upon wheels, etc., in excess of a total weight of 12 tons. It is also provided that the rate of speed shall not, as to vehicles of the description of the one in question exceed 8 miles an hour. The motor in question, with its load, was less than 12 tons, and the rate of speed was less than 8 miles an hour. It is provided by another section of the Act as follows: (Sec. 6) "No vehicle shall have a greater width than 90 inches, except traction engines, which may have a total width of 110 inches." Any person who contravenes any of the provisions of the Act is liable to a fine. The width of the motor in question was 96 inches.

It was found by the learned Judge of the County Court as a fact that the width of the motor had nothing to do with the cause of the accident, which simply and solely resulted from the bridge being too light in construction to carry the motor and its load, which were not in excess of the statutory requirements. It was held by the Divisional Court, as appears by the note of the