

of Carleton (1882), 1 O.R. 277, where the three Judges, speaking by Mr. Justice Armour, thought that the duty of maintaining the bridge was cast upon the county and the city by the Municipal Act cited. Mr. Justice Armour continues in these words: "The river Rideau—that is, the whole river, without regard to the accident that Cummings Island is in it, and notwithstanding that fact—forms, in our opinion, a boundary-line between the county of Carleton and the city of Ottawa within the meaning of that section" (p. 284.) He refers to sec. 495 of R.S.O. 1877 ch. 174, which is sec. 452 of R.S.O. 1914 ch. 192. See also Harrold v. County of Simcoe (1868), 18 U.C.C.P. 9.

I hold, therefore, that the obligation to build and maintain Billings Bridge in its entirety across the river Rideau rests on the Corporation of the City of Ottawa and the Corporation of the County of Carleton.

It is a joint undertaking, but it is not my duty on this application to deal with questions as to the character of the work or the proportion of the expense to be borne by each; in regard to which the differing lengths of the bridge on each side of the mid-stream line may be a material factor.

The notice of motion does not ask for costs, and the question was not mentioned; and I, therefore, say nothing about them.

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KELLY, J.

JUNE 22ND, 1914.

McINTYRE v. GRAND TRUNK R.W. CO.

*Master and Servant—Injury to Servant—Railway Brakesman—Negligence—Liability—Finding of Jury—Evidence.*

Action by a brakesman employed by the defendants to recover damages for injuries sustained by him by reason of the negligence of the defendants, as he alleged.

The action was tried with a jury.

T. G. Meredith, K.C., and R. G. Fisher, for the plaintiff.

D. L. McCarthy, K.C., and W. E. Foster, for the defendants.

KELLY, J.:—The plaintiff was a brakesman in the employ of the defendants, and on the 16th December, 1912, was injured by coming in contact with a poker which was being used by an