

Incendie — Responsabilité — Locaux occupés mais non habités par le propriétaire de la maison.—Art. 1733 et 1734 C. Civ. — Présomption non applicable.

La présomption des art. 1733 et 1734 C. Civ. cesse d'être applicable quand l'immeuble incendié n'est pas occupé seulement par les locataires, mais aussi par le propriétaire, et il n'y a aucun motif de distinguer si le propriétaire habite ou n'habite pas les lieux dont il s'est réservé la jouissance exclusive et la libre possession.

La responsabilité qui dans l'un et l'autre cas lui est personnelle, prive le propriétaire du bénéfice résultant des art. 1733 et 1734 C. Civ., à moins qu'il ne soit prouvé que l'incendie n'a pas commencé dans les lieux habités par lui ou restés à sa disposition et demeurés sous sa surveillance.

(5 déc. 1884. Trib. Civ. de Lyon. Gaz. Pal. 24 fév. 1885.)

STANDARD TIME.

To the Editor of THE LEGAL NEWS :

SIR,—The difference of local time according to longitude having been found very inconvenient by the managers of railways in Canada and the United States, especially as to their time-tables, a conference of these gentlemen was held in 1883, at which it was decided to recommend for adoption a system of *standard time* by which railways should be run by it, each 15° of longitude (one hour in time) to form a time zone, within which all railways should be run by it, the time of the centre meridian of each zone being taken as the standard for the seven and a-half degrees on each side of it, and that of 75° of West Longitude from Greenwich being chosen as the standard to be used by railways within the territory bounded by the meridians of 67½° and 82½°, including the Atlantic States and a large part of Canada. The same rule was to be observed for the whole distance across our continent. This system was nominally adopted by a very large majority of the American and Canadian railways. But it was found difficult to abide by it in some cases in consequence of the sudden jump of an hour in time in passing from one time zone to another, as many railways in both

countries must do; and it seems the Grand Trunk, Great Western and Canadian Pacific are each run into two time zones within Ontario, and the Intercolonial into two such zones in Quebec, New Brunswick, and Nova Scotia. There must be many railways in the United States which violate the conference rule in like manner; and this is a very great imperfection in the rule itself. But this is a matter for the consideration of the railway magnates themselves. The matter to which I desire to call your attention is the legal aspect of the case.

Many people (not lawyers, of course) seem to suppose that standard time has become *legal time*, and seem inclined to govern themselves and their doings by it, thus putting the railway managers in the place of the Legislature. Now, looking for the moment at Ontario alone, standard time at London is about twenty-four minutes earlier than legal time; and there are places in Essex where the jump occurs from one time zone to another, and at which the standard time is an hour earlier on one side of an invisible line than on the other. Now our Act 32-33 V., c. 21, § 1, defines "night" for the purposes of that Act as commencing at "nine o'clock in the evening of each day and ending at six o'clock in the morning of the next succeeding day," so that by standard time it would be night on one side of the line when it was day on the other; and by sec. 50 *burglary* is defined to be the commission of certain offences in the *night* only, so that the same offence would be burglary on one side the line and not on the other. Mr. Robertson, of Hamilton, has now a Bill before the House of Commons making burglary punishable by imprisonment in the penitentiary for life. Fancy a man tried for burglary in the neighbourhood of that line, and a question arising as to the hour when the offence was committed. But, even in London, the offence would be burglary twenty-four minutes earlier in the evening by standard than by legal time, and the offender, if he did not break in, would have twenty-four minutes longer to break out. Then, again, the Ontario Revised Statute, c. 111, § 22, provides that no Registrar shall receive any instrument for registration except within the hours of ten in