around the pumps caused by the freezing of the water that dripped from them or was spilled from pails while being carried away. One of these employees was on the spot on the very day of the accident and did not consider it necessary to do anything for the purpose of making the place more safe for foot passengers; and other employees of the City, whose duty it was to report unsafe conditions, had passed the place on the same day and made no report upon it. The action was tried without a jury. The evidence for the plaintiff showed that there was a general slope of the ice from the east to the west side of the walk, that there were lumps or raised places in the ice at two different points and that the ice was very smooth and slippery at the place where the plaintiff fell, but the judge thought the witnesses had exaggerated the height of the lumps and the steepness of the slopes. He came to the conclusion also that the ice mounds and slope on the sidewalk had been caused, not from the water that dripped from the pump or was spilled in filling pails there, but by the spilling of water from the pails while being carried along the sidewalk or in the filling of other vessels, and so were the result of negligence on the part of other persons and not of any faulty construction of the pump or its approaches; and that the place where the accident happened was not shown to have been at the time more unsafe than many other spots on the sidewalks are frequently rendered by local conditions where freezing and thawing follow each other at short intervals.

Held, following *The City of Kingston* v. *Drennan*, 27 S. C. R. 46, that the mere allowance of the formation and continuance of obstructions or dangerous spots in the highways due to accumulations of snow or ice may amount to non-repair, for which the corporation would be liable, but it is in every such case a question of fact whether, taking all the circumstances into consideration, it is reasonable to hold that the municipality should have removed the danger.

2. That in the present case it would not be reasonable to hold the City liable, as there are over sixty such wells in the city, usually placed at street crossings and in constant use, and to keep the sidewalks near them completely free from ice or roughened by chopping or sprinkling sand or ashes on them would be well nigh impossible. Action dismissed with costs.

Haggart, Q.C., for plaintiff. *Ewart*, Q.C., and *J. Campbell*, Q.C., for defendants.

Province of British Columbia.

SUPREME COURT.

Irving, J.] WAKEFIELD *v.* RIDPATH. [Aug. 31.

Jurisdiction of County Court judges—Receiver.

Application on behalf of the defendants to discharge an order made by a County Court judge in the Kootenay district (acting as a Local judge of the Supreme Court), appointing in a Supreme Court action a receiver of the Le Roi mining property. The order had the stamps of a Court order attached, but otherwise it did not appear whether it was made in Chambers or in Court.