

**2. Negligence—Injuries to children—Dangerous attractions—Narrow foot-bridge.**

A narrow foot-bridge built over water for the convenience of its owner is not such a dangerous attraction to children as will render the owner liable for the death of a child of tender years who fell therefrom into the water and was drowned where there was no license extended to children to go there and the bridge was ordinarily inaccessible by the withdrawal of a plank leading to it.

[*Cooke v. Midland G.W.R. Co.*, [1909] A.C. 229, distinguished.]

**3. Death—Contributory negligence.**

To permit a two year old child to go about unattended knowing that he may wander upon a narrow foot-bridge over deep water, is such contributory negligence as would prevent the parent from recovering damages for the child's death from drowning by falling from such bridge.

*W. M. McClemon*, for plaintiffs. *D. L. McCarthy*, K.C., for defendants.

NOTE—An instructive annotation on this case will be found in 15 D.L.R. 689.

## Province of Nova Scotia.

### SUPREME COURT.

Full Court.]

[March 14.

REX *ex rel.* WALSH v. JUDGE OF THE COUNTY COURT JUDGES'  
CRIMINAL COURT AT HALIFAX.

*Criminal law—Code 825 (4)—Indictment—Meaning of—"Or who is otherwise in custody awaiting trial"—Speedy trial.*

The relator was put on trial by the Stipendiary Magistrate of the City of Halifax on a charge of indecent assault and admitted by him to bail in June 1913, and made no election under section 827 of the Criminal Code. At the October sittings, 1913, of the Supreme Court for criminal trials at Halifax, he was indicted for this offence by the grand jury and not appearing was arrested in March 1914, on a bench warrant. The Sheriff brought the relator before the Judge of the County Court Judges' Criminal Court at Halifax under section 826 of the Code, but the learned judge declined to put the prisoner to his election on the ground that he had no jurisdiction to deal with the matter at all, owing to the indictment in the Supreme Court. On motion for a writ of mandamus or alternatively for a mandatory order under Crown Rule 70 directing the judge to proceed in the matter:—