

bridge, over the Lachine Canal, in the city of Montreal. The place where he fell was under the care and control of the Dominion Government; and the superintendent of the canal and his assistants were charged with the duty of maintaining the footpath in question in good order. The accident happened at 11.30 o'clock of the night of the 6th of January, 1912, which date was a holiday. The footpath was in a slippery condition owing to ice, the weather at the time being very changeable. It was shewn by a witness, whose specific employment it was to spread ashes over this footpath for the purpose of preventing accidents to pedestrians, that at four o'clock on the afternoon of the day before the accident he had spread ashes on the spot where the suppliant fell; and that, although it was a holiday, he visited the footpath at two o'clock on the afternoon of the accident and found that the ashes were still there and that no more were required for safety.

*Held*, upon the facts, that no negligence was attributable to the superintendent of the canal or his assistants, and that the suppliant was not entitled to recover.

*Curran*, for suppliant. *Hackett*, for respondent.

Audette, J.] THE KING v. L'HEUREUX. [April 5.]

*Constitutional law—Seizure of liquor in possession of Dominion—Limitation to authority of provincial statute—Illegality—Notice of action—Prescription.*

*Held*, 1. The provisions of the Quebec Liquor License Act (R.S. Quebec (1909), sec. 14, pt. 2, ch. 5, title IV.) are not binding upon the Crown in right of the Dominion of Canada. Hence, when a person enters a building of the Intercolonial Railway of Canada and seizes and carries away therefrom certain liquors constituting freight consigned to third persons he cannot justify such seizure and conversion by invoking the authority of the said Act.

2. Want of notice under art. 88 C.C.P. (P.Q.), in an action for damages against an officer, if not specially pleaded by the defendant may be raised at the trial, and evidence then adduced shewing that the requisite notice was in fact given.

3. Prescription is not a matter coming within arts. 2267, and 2188 C.C.P. (P.Q.), and must be raised by the defence filed.

*Newcombe*, K.C., for plaintiff. *Marchand*, for defendant.