

*seul*, and then lay sprawling on the ground, and the small boy—whose sleigh as it slid swiftly down the board walk my friend had vainly endeavored to avoid—glided merrily on. As I whisked the snow off, Jones in wrathful accents consigned the juvenile to a place beyond the possible limits of frost, and exclaimed:—

“I’ll sue the city for allowing the road to be in such a beastly state. Corporations are bound to keep the street in a proper condition, so that the lives and bones of passers-by will not be endangered.”

“True,” I replied, “but the accident was not wholly caused by the slipperiness of the pavement; the unlawful and careless act of the boy in coasting had something to do with your overthrow; and in the exactly similar case of Mrs Shepherd it was decided that the city was not liable.”<sup>1</sup>

“I tell you all towns and cities must keep their highways and streets in repair, so that they are without obstructions or structural defects which may endanger the safety of travellers, and are sufficiently level and smooth, and guarded by railings when necessary, to enable people, by the exercise of ordinary care, to move about with safety and convenience;”<sup>2</sup> and anyone travelling along a

<sup>1</sup> *Shepherd et ux. v. Chelsea*, 11 Allen, 113; *Hutchinson v. Concord*, 41 Vt. 271; *Ray v. Manchester*, 46 N.H. 59; *Schultz v. Milwaukee*, 5 N.-West Rep. 446.

<sup>2</sup> *Hixon v. Lowell*, 13 Gray, 59; *Barber v. Roxbury*, 11 Allen, 320; *Hewison v. New Haven*, 34 Conn. 142.