

little of Jurisprudence, he would know that positive law is avowedly based on the law of nature. But we will not send him to the law-books. We will refer him to 'pure Literature,' and bid him read in Cicero: "Lex nihil aliud nisi recta et a numine deorum tracta ratio, jubens honesta, prohibens contraria;" or, in the modern pages of Froude: "Our human laws are but copies, more or less imperfect, of the eternal laws, so far as we can read them,"—and thus learn the folly of his declaration so presumptuously made. Mr. Buchanan should not think so ill of the Law; it affords him present protection in the exploitation of his vagaries, and an ultimate harbour of refuge when his strenuous battling with 'chimeras dire' proves too much for even his Homeric nerves.

REPORTS AND NOTES OF CASES.

Dominion of Canada.

EXCHEQUER COURT.

Burbidge, J.]

DAVIES v. THE QUEEN.

[March 2.

Highway—Agreement between Crown and city to maintain same—Negligence—Accident from ice—Liability—Public work—50 & 51 Vict., c. 16, s. 16 (c).

Under an agreement between the City of Ottawa and the Dominion Government, the latter undertook, amongst other things, to maintain an approach to the Sappers' Bridge, such approach having been built by the city and forming part of a public highway. On the 23rd February, 1898, the suppliant in passing over it fell and sustained a fracture of one of her arms. She filed a petition of right seeking damages against the Crown under 50 & 51 Vict., c. 16, s. 16 (c).

Held, that, even assuming that the sidewalk upon which the suppliant fell was a public work, it not having been established that the duty to keep the sidewalk in repair, or in a safe condition for travel, had been imposed upon some officer or servant of the Crown, who had been negligent while acting within the scope of some duty or employment, the case did not fall within the said enactment, and the petition must be dismissed.

2. In this climate, it is not possible always in winter to have the sidewalks of the highways always in a safe condition to walk upon; and