

There is nothing new in the legal proposition that citizens of a municipality have the right to the reasonable use of the streets on their surface and above their surface. Persons or corporations handling the little known agency of electricity, and having also the right to use the streets for its poles and wires have also their rights, but as they handle that most dangerous thing called electricity, they are bound to use the highest measure of skill and care in dealing with it. The rights are correlative, but the difficulty is the application of these rights to particular circumstances. In the case of *Temple v. McComb City Electric Co. (Miss.)* 42 Sou. Rep. p. 874, it appears that a small boy climbed into a small oak tree on the street and came in contact with an uninsulated wire and was injured thereby. The Court considered that this was just the kind of tree that juveniles would be likely to climb, that small boys are known to be in the habit of climbing on every favourable opportunity, and that the electric light company must be assumed to have known the habits of small boys in this regard. They should therefore have provided some proper safeguard, and not having done so, were liable for the injury sustained.

That judges as well as counsel are only human, and subject to the axiom, *humanum est errare*, a short experience at the Bar makes manifest. One, who himself now adorns a high judicial position in the Province or *territoire*, was once somewhat nonplussed, when arguing a case, being asked by the presiding judge (now deceased), "What I want to know is this, did his widow survive him?" Another counsel a little sententious perhaps in his manner, but both learned and able, after vainly labouring for some time to convince the Court, was suddenly asked, by one of the judges, "Who was the mother-in-law of the plaintiff?" The startling nature of the question probably threw him off his guard, for he promptly replied: "The mother-in-law of the plaintiff, my Lord, was a man named" The rest of his answer was lost in a general cackle from the Bar.