

walk to drain the melted snow and its icy rounded edge is not intended to be used as a place from which to step over the channel; and a person who tries to cross over it, instead of walking to the next crossing, and meet with an accident has no recourse in damages against the City of Montreal.

The plaintiff sues the City of Montreal for \$5,000. She claims damages on account of injuries sustained in a street fall. She had fallen whilst stepping over an icy curb, which aligned a channel or ditch, such as is made in certain parts of the year to drain the melting snow and ice from the sidewalks and streets. She alleges that her injuries were caused by the negligence of the City in not removing the ice from the sidewalks and curb, and not covering them with ashes, and in the absence of protection over the channel or ditch.

The defence substantially is that the city had taken all possible precautions compatible with climatic conditions; and that it was not guilty of any negligence.

The Superior Court dismissed the action by the following judgment:

"Considering that the channel which the plaintiff complains of was necessary and was made in the usual and ordinary manner;

"Considering that the plaintiff attempted to cross the street at a place which was not a regular crossing, after she had seen that the curb of the sidewalk was covered with ice and round, but nevertheless voluntarily and knowingly placed her foot on the icy edge of the curb in an attempt to step over the channel, and in so doing did not exercise ordinary care or prudence;

"Considering that a regular crossing for pedestrians, which is proved to have been in good order and in a safe