

more than provide material reasonably suitable for a sidewalk, and for the necessary repairs, and of such a character as was adapted for the use of pedestrians during the greater portion of the year, and that the corporation was not bound to consider, and not bound to provide against exceptional circumstances arising from the elements over which they had no control, and he found for the defendants. From this judgment the plaintiff appealed; but the Queen's Bench Divisional Court, after argument, dismissed the appeal, holding unanimously that the defendants were not liable.

The following authorities were cited: *Pictou v. Geldert*, (1893) App. Cas. 524; *Pratt v. Stratford*, 16 Ont. A.R. 5; *Ycomans v. County of Wellington*, 4 Ont. A.R. 301; *Brant v. Hammersmith R. W. Co.*, L.R. 4 H.L. 171; *Caledonia R. W. Co. v. Ogilvie*, 2 MacQ. H. L. (Sc.) 229; *Garfield v. Toronto*, 22 Ont. A.R. 128; *Raleigh v. Williams* (1893) App. Cas. 540; *Johnson v. Columbia*, 6 Sup. Ct. Rep. U.S. 924; *City of Detroit v. Beckman*, 34 Mich. 125. Con. Mun. Act, 1892, s. 531; 57 Vict., c. 150, s. 13; 59 Vict., c. 51, s. 20.

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COURT FOR CROWN CASES RESERVED.

The recent decision of the Chancery Divisional Court in *The Queen v. Hammond* (p. 164), seems to emphasize what appears to be a blot on the administration of justice in criminal cases in Ontario. Under the Criminal Code, s. 3 (e) the Court for the disposition of Crown cases reserved in Ontario, is any Division of the High Court of Justice. But a Divisional Court of the High Court is a fluctuating tribunal composed from time to time of different judges—now of the judges of the Queen's Bench Division, now of judges of the Chancery Division, and yet again of Judges of the Common Pleas Division, and each of these tribunals, it is held, are so far separate and independent tribunals as that none of them is bound by any decision of either of the other two, so that it is quite possible that three different and conflicting decisions may be given by them severally on the same ques-