

v. Braman, 188 Mass. 367, 74 N.E. 594. That this constructive intention to do an injury in such cases will be imputed in the absence of an actual intent to harm a particular person, is recognised as an elementary principle in criminal law. *Banks v. Braman*, supra; and see *Commonwealth v. Pierce* (1884), 138 Mass. 165; *Commonwealth v. Hartwell* (1880), 128 Mass. 415; *Bjornquist v. Boston & Albany Railroad* (1904), 185 Mass. 130, at p. 134.

If the operator of a motor vehicle, with reckless disregard for the safety of others, so negligently drives his vehicle in a public highway as to cause the death of a person thereon, he is guilty of criminal homicide. *Dauids' Law of Motor Vehicles* (U.S.A. 1911), sec. 237; *State v. Goetz* (1910), 83 Conn. 437, 76 Atl. 1000; *State v. Campbell* (1910), 82 Conn. 671 at p. 677, 74 Atl. 927, 135 Am. State Rep. 293.

Individuals as well as corporations, in the use and operation of dangerous machines, should have a due regard to the preservation of the rights of the public in the use of the public streets, as well as the protection of persons using such streets from injury; and if they fail in this and should in the operation of a vehicle which is always attended with more or less danger negligently, carelessly and recklessly destroy human life, it is but in keeping with the proper and impartial administration of justice, that penalties should be suffered for the commission of such acts. *State v. Watson* (1909), 216 Mo. 420, 115 S.W. Rep. 1011, at p. 1015.

THE LAW RELATING TO THE AIR.

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The legal problems presented by the navigation of the air have for some time been the subject of consideration, although it is only very recently that they have become of practical importance, and even yet very few cases have arisen involving their discussion in Court. The balloon was discovered by the brothers Montgolfier only in 1783, and although during the next century ballooning under-