sence may be presumed to be known to the citizens generally.

No means of warning was suggested by plaintiff and no barricade or crossing over the drain would be practicable.

The plaintiff does not complain to the manner in which the drain was made but of the absence of some means of warning. The burden was upon plaintiff to establish by satisfactory evidence that the city failed to do or supply something which would have warned his wife of the danger to which she was exposed. The trial judge has found against him.

As the weather conditions at the time were extremely unfavourable for pedestrians, it was the duty of plaintiff's wife to have exercised more than ordinary care in crossing the street. She must have known of the existence of the temporary drains.

It is well settled law that a city is not responsible for every accident which happens in its streets resulting in personal injuries. With the greatest vigilance and the utmost foresight accidents will happen for which no one in a legal sense is to blame.

In some such cases, however, when an accident happens, the human mind can see and suggest a way by which it could have been avoided. If the existence of such a defect is to be deemed evidence of negligence there is scarcely any street in any city that is reasonably safe within the rule and the result would be that the city would become an insurer against accidents in its streets.

The law does not prescribed a measure of duty so impossible of fulfilment or a rule of liability so unjust and severe. It is impossible to hold the city responsible for every change which must take place in the winter and