

night when an electric lamp went out, and in the darkness she fell over a hydrant and was injured. In an action against the city for damages, it was shown that there was a space of seven or eight feet between the hydrant and the inner line of the sidewalk, and that L. was aware of the position of the hydrant and accustomed to walk on said street. The statutes respecting the government of the city do not oblige the council to keep the streets lighted, but authorize them to enter into contracts for that purpose. At the time of this accident the city was lighted by electricity, by a company who had contracted with the corporation therefor. Evidence was given to show that it was not possible to prevent a single lamp or a batch of lamps going out at times.

*Held*, reversing the judgment of the court below, Strong and Taschereau, JJ., dissenting, that the city was not liable; that the corporation being under no statutory duty to light the streets, the relation between it and the contractors was not that of master and servant or principal and agent, but that of employer and independent contractors, and the corporation was not liable for negligence in the performance of the service; that the position of the hydrant was not in itself evidence of negligence in the corporation; and that L. could have avoided the accident by the exercise of reasonable care.

*MacCoy, Q.C.*, for the appellants.

*Drysdale* for the respondent.

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Nova Scotia.]

OTTAWA, May 10, 1892.

*In re CAHAN.*

*Appeal—Jurisdiction—Security for costs—Final judgment.*

C. applied to the Supreme Court of Nova Scotia to be admitted an attorney of said court, presenting to the court a certificate from the President of the Dalhousie Law School of his having taken the degree of LL.B. at said school, and claiming that the act of the Nova Scotia Legislature, 54 Vic. c. 22, which made certain provisions respecting the admission of graduates of the law school to the bar of the province, had done away, so far as such graduates were concerned, with certain conditions required to be performed by persons desiring admission to practice law. The Supreme Court held, that graduates of the law school were