

Province of Nova Scotia.

SUPREME COURT.

Full Court.]

[March 8.

DOMINION IRON AND STEEL CO. v. McDONALD.

Statutes—Error in printing—Effect of amending Act—Absence of word giving retrospective effect.

The Assessment Act, R.S. (1900), c. 73, s. 4, sub-s. (p.), rendered liable to assessment property of the plaintiff company, which had previously been exempted. It was admitted that the words imposing the liability were not contained in the manuscript revision of the statutes but was inserted by error in printed copy deposited in the office of the Provincial Secretary, which it was declared should be held to be the original. By an Act of the following year, Acts of 1902, c. 25, the error was corrected by striking out of sub-s. (p.) of R.S. c. 73, the word "exempted."

Held, 1. By this amendment the Court was precluded from coming to the conclusion that the insertion of the word exempted in the chapter of the Revised Statutes amended was a mistake, and inserted and printed accidentally; it being assumed in the amending Act that the section amended was in full force and effect from the time it came into operation, and the amendment being one that would be out of place if the legislature had intended from the first that the word should not be there.

2. In the absence of words giving the amendment a retrospective effect, it could not be so read, and the Act, as amended, would only apply to future assessments.

3. The liability of the plaintiff company having been fixed by R.S. c. 73, and there having been no appeal, the amendment would not have the effect of preventing the collection of the rate complained of.

H. A. Lovett, for plaintiff. *J. A. Chisholm*, for defendant.

Full Court.]

HAWLEY v. WRIGHT.

[March 8.

Electric elevator—Negligence of employee—Action by parent—Common law rule—Contributory negligence—Improper rejection of evidence.

Plaintiff's son, who was employed as a watchman by the Government of Canada, and boarded at home with his father, was killed as the result of an accident while attempting to leave a passenger elevator in defendant's building. The deceased had entered the elevator for the purpose of seeing a tenant whose office was situated on one of the upper floors of the building, and not finding the person in whom he desired to see had continued to ride up and down in the elevator. He finally attempted to leave the elevator as another passenger entered, and just as the boy in charge started