

Notice of Appeal.

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Dated, 22nd November, 1897.

TAKE NOTICE that the defendant will appeal to the Full Court at the next sittings thereof, commencing on Monday, the 10th day of January, 1898, at the hour of eleven o'clock in the forenoon, or so soon thereafter as counsel can be heard, at the Court House, Bastion Square, Victoria, B. C., by counsel 20 for the above-named defendant corporation from the judgment and order of His Lordship the Hon. Mr. Justice McColl, pronounced on Saturday, the 6th day of November instant, that judgment be entered for the plaintiff against the defendant for \$20,000 and costs upon the findings of the jury, and that judgment should be entered for the defendant corporation on the following grounds:—

1. That no power, duty or liability in relation to the bridge in question, or in regard to roads and bridges generally, was given to or imposed upon the defendants by their Act of Incorporation, nor was any cause of action given to persons injured by negligence of the corporation in regard thereto. 30

2. That it was beyond the corporate powers of defendant to meddle with the structure of the bridge at all, and the things done to the bridge which are complained of were the personal acts of those persons who did them or ordered them to be done, and not acts of the defendant corporation.

3. That if the defendant did assume to perform the public duty, theretofore performed by the Provincial Government, of maintaining the public highways and bridges within their corporate limits, they are not as such public highway authorities, liable to members of the public in damages for injuries 40 caused by any negligent act either of misfeasance or non-feasance in doing that work.