

ADDENDA ET CORRIGENDA.

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Bilbrey v. Cassidy, Oct. 7th, 1912.

In this case the plaintiff, respondent, brought an action against the defendant, appellant, claiming damages for negligence. The trial judge dismissed the action holding that the plaintiff's contributory negligence was the cause of the accident. The Court of Appeal reversed this judgment and referred the action back to the trial judge to assess, on the evidence given at the trial, what damages plaintiff had sustained by reason of the matters set out in the statement of claim, and ordered the defendant to pay the plaintiff such sum as the trial judge might find the plaintiff entitled to as damages; and further ordered the defendant to pay the plaintiff the costs of the action including the costs of the reference.

When the case was called in the Supreme Court counsel for the defendant, appellant, admitted that he was unable to distinguish this case in principle from the decisions of the Supreme Court in *Wenger v. Lamont* and *Crown Life v. Skinner*, and the appeal was accordingly quashed for want of jurisdiction.

Vide Dunn v. Eaton, Oct. 22nd, 1912; and *Kilmer v. Beach*, Nov. 6th, 1912; *Hesseltine v. Nellis*, Nov. 11, 1912 (reported in part *sub nom Windsor, etc. v. Nellis*, *infra*, p. 24), not reported at this date.

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Roberts v. Piper, Oct. 6th, 1910.

A motion was made to quash appeal for want of jurisdiction. The papers filed showed that Mr. Justice Clement sitting in chambers made an interpleader order in the usual form, directing the parties to proceed to trial of an issue in the Supreme Court of British Columbia, and reserving further directions and costs. The issue was tried before Morrison, J. It was held that the property in question was not the property of the plaintiffs as against the defendants, and the court directed how money in court should be paid out. On