

SECOND DIVISIONAL COURT.

APRIL 21ST, 1920.

## FRIEDMAN v. CANADIAN PACIFIC R.W. CO.

*Railway—Carriage of Goods—Contract—Delivery without Payment or Indemnity—Recovery of Damages by Shipper against Carriers—Company to which Goods Delivered Made Liable over to Carriers—Third Party—Costs.*

Appeals by the defendants, the third party, and the plaintiff from the judgment of LENNOX, J., 17 O.W.N. 381.

The appeals were heard by MULOCK, C.J. Ex., RIDDELL and SUTHERLAND, JJ., and FERGUSON, J.A.

W. L. Scott, for the defendants.

A. W. Langmuir, for the third party.

J. J. O'Meara, for the plaintiff.

THE COURT dismissed with costs the appeals of the defendants and the third party; and allowed the appeal of the plaintiff so far as to give him costs on the Supreme Court scale without any set-off.

SECOND DIVISIONAL COURT.

APRIL 22ND, 1920.

## TRICKEY v. ROSS.

*Appeal—Report of Mining Commissioner pursuant to Reference in Action—Questions of Fact—Conflicting Evidence—Demeanour of Witnesses—Agreement—Refusal to Disturb Report—Partnership—Interests in Mining Property—Motion to Confirm Report—Further Appeal.*

An appeal by the defendant from the order and judgment of ORDE, J., ante 27.

The appeal was heard by MULOCK, C.J. Ex., RIDDELL, SUTHERLAND, and MASTEN, JJ.

J. Cowan, for the appellant.

W. R. Smyth, K.C., for the plaintiffs, respondents.

THE COURT dismissed the appeal with costs.