

4. That the disaster if attributable to the Defendant Corporation at all, was caused by mere acts of non-feasance on its part.

6. That the findings of the jury are inconclusive and insufficient to support the judgment.

6. That there is no finding of the jury that any of the acts complained of were negligently done and the evidence shows that they were carefully done.

7. That there is no finding of the jury that any of the acts complained of caused the disaster.

Or why there should not be a new trial upon the grounds

1. Of non-direction by the learned trial judge in refusing to charge the jury at all as to what in law constitutes negligence, and in neglecting to leave the essential question of negligence to the jury either by properly framed questions or otherwise.

2. Of non-direction in refusing to point out to the jury that the opinions<sup>20</sup> of the experts appearing in their evidence taken in the case of Patterson v. Victoria and put in evidence in this case, to the effect that the boring of the hole in beam 3 by Cox caused the disaster, were based upon the evidence of Cox given in that case, which substantially differs from his evidence in this case.

Dated this 22nd day of November, 1897.

C. DUBOIS MASON.

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Rooms 9 and 11 Five Sisters Block, Government Street, Victoria, B.C.,  
Solicitor for the Defendant.

To Messrs. Macdonell & Deacon, Vancouver, B.C., Solicitors for the  
Plaintiff.

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