

1937

\* Feb. 17.

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OGAWA v. FUJIWARA

ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH  
COLUMBIA

*Motor vehicles—Acts in emergencies—Negligent cutting in by defendant—  
Plaintiff's use of accelerator instead of brake.*

APPEAL by the defendant from the judgment of the Court of Appeal for British Columbia (1), affirming the judgment of the trial judge, Manson J. (2), and maintain-

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\* PRESENT:—Duff C.J. and Rinfret, Crocket, Kerwin and Hudson JJ.

(1) [1937] 3 W.W.R. 670.

(2) [1937] 1 W.W.R. 364.

ing the plaintiffs' action for damages arising out of an automobile accident, the defendant being found negligent in cutting in sharply in front of the plaintiff's car immediately after passing it.

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FUJIWARA.

On the appeal to the Supreme Court of Canada, after hearing the argument of counsel for the appellant, the Court, without calling in counsel for the respondent, delivered judgment orally dismissing the appeal with costs, the Chief Justice, for the Court, stating that there was no reason to disagree with the finding of the trial judge.

*Appeal dismissed with costs.*

*Alfred Bull K.C.* for the appellant.

*C. H. Locke K.C.* for the respondent.

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