think it would be a strong thing for us at present to say, for example, that the objections founded on the General Police Act and the Public Health Act as to the natural consequences of the proposed erections, and the carrying on of the appellant's business in them are matters entirely beyond the jurisdiction of the Dean of Guild. Unless satisfied of that, I think it would be inexpedient to recal this interlocutor. We do not, by supporting it, assert that the Dean of Guild's jurisdiction will in the end be sustained, but only that a decision upon that would at present be premature.

Lord Rutherfurd Clark—I still feel difficulty here. If I had to give an opinion on the merits of the question between the parties I should have taken more time to consider my judgment. But your Lordships propose that the proof should go on, of course every question of competency and otherwise being reserved. That judgment cannot prejudice these questions, though it may cause delay and expense. As that course is suggested by your Lordships, I am relieved from entering on the important questions as to the jurisdiction of the Dean of Guild. I only add—but without stating reasons—that I am not prepared to concur in the judgment proposed. I do not enter on any reasons, because to do so would be to discuss matters on which in future I may have to give an opinion.

Lord Young was absent.

The Court dismissed the appeal, and affirmed the judgment of the Dean of Guild appealed against.

Counsel for Appellant—Darling—Watt. Agent—Andrew Urquhart, S.S.C.

Counsel for Respondent — Dickson — Law. Agents—Macpherson & Mackay, W.S.

Friday, June 24.

FIRST DIVISION.

[Sheriff-Substitute, Paisley.

JARDINE *v.* THE STONEFIELD LAUNDRY COMPANY AND ANOTHER.

Reparation—Tramway—Rule of the Road.

A person alighted from a tramway-car when it stopped, upon the left side, and in crossing to the pavement, was knocked down by a van which was passing the car on that side. In an action of damages against the owners of the van on the ground that the van had been carelessly driven, and that the driver had infringed the rule of the road, the defenders were *assoilzied*.

Per the Lord President—That it is the duty of the driver of a vehicle to pass a tramway-car upon the left side, and that the old rule of the road has been altered in this case.

This was an action in the Sheriff Court of Lanarkshire at the instance of George F. Jardine, tailor, Cathcart Street, Glasgow, against the Stonefield Laundry Company and William Phillips for damages for personal injuries.

The facts of the case were that on 1st September 1886 the pursuer travelled in a tramway-car from Nelson Street to Kinning Park; that at the corner of Kinning Place and Paisley Road the car stopped to let passengers alight; that he stepped off on the left side (the one nearest the pavement, and the only one available, the other side being railed off); that he walked one or two steps from the car towards the pavement, when he was knocked down by a horse driven in a van belonging to the defenders, which was passing the car on the left side.

The pursuer averred that there was negligence on the part of the driver, and also that by passing on the left-hand side he had infringed the rule of the road.

On 17th December 1886 the Sheriff-Substitute (Cowan) found that the pursuer had failed to prove that the injuries he had sustained were occasioned by the fault of the defenders' servant, and that the defenders were therefore entitled to absolvitor.

"*Note.*—In the opinion of the Sheriff-Substitute the evidence establishes that on the day in question the defenders' van was overtaking the tram-car, and was about to pass it, when the latter pulled up to stop. Immediately the vanman pulled up, but being close behind the tram-car his horse passed the end of the car, and the pursuer, who in stepping off the car had not looked behind to see that the way was clear, was knocked down and injured. Fault on the part of the vanman there was none. He was on the proper side of the road, he was within his rights when he sought to pass the tram-car, and he did what he was bound to do—pulled up to stop when the tram-car stopped. What more could he be asked to do? The slightest and most ordinary care on the part of the unfortunate pursuer would have saved him from what happened."

The pursuer appealed to the Court of Session, and argued that there was fault on the part of the driver.

Counsel for the respondents was not called on.

At advising—

Lord Shand—We have had an excellent argument in this case upon behalf of the appellant, but I, for my part, can see no sufficient ground for disturbing the interlocutor of the Sheriff-Substitute, which I think is fully borne out by the evidence in the case, and which makes it clear that the pursuer is not entitled to recover damages.

The pursuer was travelling in a tram-car, and on leaving he had descended and taken two steps in the direction of the pavement when he was struck by the shaft of the defenders' van, which was being driven in the same direction.

The striking features of the case are to be found in two passages of the pursuer's evidence. There he says—"I had made three steps towards the pavement when I was knocked down by the right shaft of a van proceeding in the same direction as the tramway-car. I had no idea of its coming, and first became aware of the van being there by being knocked down;" and again—"I cannot say whether the way was clear behind the car, as I did not look before stepping off. I fell between the van and the tramway." Now, I take it to be perfectly clear that the duty of anyone using a car, and about to step off, is

to look carefully around to see if any other conveyance is coming up. That duty was clearly not performed upon this occasion, because it is quite evident that if the pursuer had looked about him, and observed what traffic was passing in the street, he would not have stepped down from the car at the moment the van was coming up behind, while if he had glanced backwards he must have seen the van approaching. I can see nothing in the evidence to cause any blame to be attached to the driver of the van, and I entirely agree with the Sheriff-Substitute that this unfortunate accident was caused entirely through the fault of the pursuer himself.

Lord Adam concurred.

Lord President—I so entirely concur that I should not have thought it necessary to have added anything were it not that I view the case as one of some public importance. Tramway-cars are no longer a novelty among us. They are to be seen in almost every city in the kingdom, and people who pass along the street are bound to understand and to know what are the rules that regulate these tramway-cars. There is one rule of the road which has been very much altered by the appearance of these new vehicles, and that is the rule which requires that when a carriage is coming up behind a tramway-car, and the tramway-car stops, it is the duty of the driver of the other vehicle to pass upon the left-hand side. That is against the old rule, which was that one vehicle passing another was bound to pass upon the right-hand side. The rule has been introduced from considerations of convenience and safety, and it is very obvious, because tramway-cars pass upon two lines of tramways, one in one direction and the other in the opposite direction. If vehicles were to pass a tramway-car on the right-hand side there would be very great danger of their coming into collision with another tramway-car coming the opposite way. That is the reason for the rule. Now, if a person gets off a tramway-car upon the left-hand side—which is the proper side for the purpose—it is quite obvious that in passing from the tramway-car to the pavement he is passing across a carriage-way, and a carriage-way which he ought to know may be travelled over at any moment by vehicles passing alongside of the tramway-car. He is just as much bound to look after his own safety in crossing that carriage-way as if he were crossing from one side of the street to the other. It is just as much a carriage-way as the whole street, and while vehicles are bound to go at a steady pace and not to be driven furiously, foot-passengers crossing the carriage-way are bound to look out for their own safety, and not to run unnecessary risk. Applying these observations to this case, it appears to me that while there is no blame imputable to the driver of the van—no allegation of undue haste in his driving, or of want of care and attention—there was very great carelessness on the part of the poor man who was struck. He stepped down off that tramway-car without ever looking to the left to see whether any vehicle was approaching. If he had he would have seen the van, and he would have waited till it passed. That is just the same thing as if in proceeding to cross a street where there were no tramway-cars at all he had failed to look to see whether there were any carriages close at hand which might run over him.

That being the state of the facts, there can be no doubt that the fault was entirely with the appellant, who has no one to blame for this unfortunate accident but himself.

Lord Mure was absent.

The Court refused the appeal.

Counsel for the Appellant—Glegg. Agent—A. Sutherland, W.S.

Counsel for the Respondents—James Reid. Agents—Mill & Bonnar, W.S.

Friday, June 24.

FIRST DIVISION.

SELKIRK (LIQUIDATOR OF THE NORTH BRITISH BUILDING SOCIETY) *v.* TAYLOR AND OTHERS.

Building Society—Winding-up—List of Contributories—Construction of Rules.

The liquidator of the North British Building Society presented a note to the Court, to settle a list of contributories in accordance with a scheme prepared by him giving effect to the judgments in *Carrick and Others* v. *North British Building Society in Liquidation*, July 10, 1885, *ante*, vol. xxii. p. 833, and 12 R. 1271, *revd.* as *Tosh* v. *North British Building Society*, July 30, 1886, *supra*, p. 128, and 14 R. (H. of L.) 6. Answers were lodged by several members of the Society, which raised the following points:—

"*Bank Interest.*"

Rule XIII. of the Society provided that "Any member holding any share in respect of which no advance has been made, which, by the subscriptions paid, and the profits thereon, shall have accumulated to twenty-five pounds (the amount of said share), shall be entitled to receive the amount thereof, with bank interest from the date of completion, and his connection with the Society in respect of the same shall cease."

In a question whether "bank interest" meant interest at current account or at deposit-receipt rates—*held* that, in the absence of any stipulation to the contrary, and in view of the fact that the funds of the Society were paid in and drawn out from day to day, interest was due at "current account" rates.

Advanced and Unadvanced Shares.

A subscriber for forty shares, representing a nominal capital of £1000, who had obtained an advance of £500, maintained that all the shares should be treated as advanced shares, and that he was thus, as a borrowing member, not liable for the losses of the Society, in accordance with the judgment of the House of Lords, *supra cit.* *Held* that an advance being payment of a share by anticipation, it must be either of £25, the amount of a share, or of some multiple of