

DONALD LE ROY STANTON (*Plain-*
tiff)

APPELLANT;

1966
*Apr. 28, 29
Apr. 29

AND

TAYLOR, PEARSON & CARSON
(B.C.) LIMITED AND FRANK
MILNE (*Defendants*)

RESPONDENTS.

ON APPEAL FROM THE COURT OF APPEAL
FOR BRITISH COLUMBIA

Negligence—Injury to trespasser—Pickets placing wooden beam in front of truck—Driver attempting to ride over beam—Injury to picket—Whether liability.

The plaintiff, with a group of striking union members, was picketing the premises of the corporate defendant. These pickets placed a wooden beam across a lane leading from the premises of the corporation in order to prevent a truck from being driven away by the defendant M, an employee of the corporate defendant. When M attempted to run over the obstruction he found that the beam dragged for a short distance and then shot out in front of the truck. On the third such attempt the plaintiff was struck and injured by the flying beam. The trial judge held that the defendant M had acted in a reckless manner, but that the plaintiff had failed to take reasonable precautions for his own safety. Liability was divided equally. On appeal, the action was dismissed. The plaintiff appealed to this Court.

* PRESENT: Cartwright, Martland, Judson, Ritchie and Hall JJ.

1966
STANTON
v.
TAYLOR,
PEARSON &
CARSON
(B.C.) LTD.
et al.
—

J. J. Robinette, Q.C., and Duncan W. Shaw, for the plaintiff, appellant.

J. P. Van der Hoop, for the defendants, respondents.

At the conclusion of the argument of counsel for the appellant, the Court delivered the following oral judgment:

THE COURT:—We do not need to call upon you Mr. Van der Hoop. We are all of opinion that the appeal fails and that the action was rightly dismissed for the reasons given by Davey J.A. with which we are in full agreement.

The appeal is therefore dismissed with costs.

Appeal dismissed with costs.

Solicitors for the plaintiff, appellant: Davis, Hossie, Campbell, Brazier & McLorg, Vancouver.

Solicitors for the defendants, respondents: Harper, Gilmour, Grey & Co., Vancouver.
