

1928

\*Apr. 25.

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ELLIOTT v. JOHNSON

ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH  
COLUMBIA

*Automobile—Negligence—Motor car hitting pedestrian while running for  
street car—Duty of motor driver at crossing—Contributory Negli-  
gence Act.*

APPEAL from the decision of the Court of Appeal for British Columbia (1), reversing the judgment of Hunter C.J. and maintaining the respondent's action for damages for personal injuries.

The plaintiff respondent while running across a street to board a street car which was about to stop at an intersection was struck by the appellant's automobile which had come up behind him and had made the turn into the inter-

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\*PRESENT:—Duff, Mignault, Newcombe, Lamont and Smith JJ.

secting street. The appellant saw the respondent running and admitted that he knew his objective. Just before being struck, the respondent, on hearing the horn, had turned around. There was no jury and the trial judge dismissed the action.

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The Court of Appeal held that the accident was due solely to the negligence of the defendant.

After hearing counsel on behalf of the appellant and the respondent, the Court delivered an oral judgment dismissing the appeal with costs.

*Appeal dismissed with costs.*

*H. R. Bray* for the appellant.

*E. Lafleur K.C.* for the respondent.

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