

BECK v. CANADIAN NORTHERN RAILWAY CO.

1910

*Oct. 24.

*Nov. 21.

ON APPEAL FROM THE SUPREME COURT OF ALBERTA.

*Negligence—Operation of railway—Protection of passenger—Evidence
—Mere conjecture.*

APPEAL from the judgment of the Supreme Court of Alberta (1), affirming the judgment of Harvey J., at the trial, dismissing the plaintiff's action with costs.

On the appeal to the Supreme Court of Canada, after hearing counsel on behalf of both parties, the court reserved judgment, and, on a subsequent day, made an order that a new trial should be had, the Chief Justice and Idington J. dissenting.

New trial ordered.

Wallace Nesbitt K.C. for the appellant.

Chrysler K.C. for the respondents.

*PRESENT:—Sir Charles Fitzpatrick C.J. and Girouard, Davies, Idington and Anglin JJ.