

1920

*Feb. 11.

*Mar. 8.

McNICHOL v. BURNS.

ON APPEAL FROM THE APPELLATE DIVISION OF THE
SUPREME COURT OF ALBERTA.

Negligence—Jury trial—Verdict—Inadequacy—Misdirection—Interference with an appeal.

APPEAL from the judgment of the Supreme Court of Alberta, Appellate Division, (1), affirming the judgment of the trial judge with a jury and maintaining the appellant's (plaintiff's) action.

The action is for damages for the death of appellant's husband who was killed in a collision with a motor truck belonging to the respondent. The verdict of the jury, confirmed by the trial judge, awarded the appellant \$2,450 damages. The grounds of appeal, before the Appellate Division and the Supreme Court of Canada were inadequacy of the verdict and misdirection by the trial judge.

On the appeal by the plaintiff to the Supreme Court of Canada, the court, after hearing counsel for both parties, reserved judgment, and, at a subsequent date, dismissed the appeal with costs.

Appeal dismissed with costs.

R. B. Bennett K.C. for the appellant.

A. H. Clarke K.C. for the respondent.

*PRESENT:—Sir Louis Davies C.J. and Idington, Duff, Anglin, Brodeur and Mignault JJ.

(1) 15 Alta. L.R.1; [1919] 3 W.W.R. 621; 49 D.L.R. 132.