

GILMAN v. THE WORKMEN'S COMPENSATION
BOARD

1936

* Nov. 13.

ON APPEAL FROM THE SUPREME COURT OF NEW BRUNSWICK,
APPEAL DIVISION

Workmen's Compensation Act, N.B., 1932, c. 36—Claim under the Act for death of workman—Nature of the industry in which the workman was engaged and whether it was one within the scope of Part I of the Act—Jurisdiction of the Workmen's Compensation Board.

APPEAL (by special leave granted by the Supreme Court of New Brunswick, Appeal Division) by the widow and infant children of John W. F. Gilman, deceased, from the judgment of the Supreme Court of New Brunswick, Appeal Division (1), dismissing their appeal from the decision of The Workmen's Compensation Board of New Brunswick disallowing their claim for a pension under the *Workmen's Compensation Act*, statutes of New Brunswick, 1932, c. 36, which claim was made on account of the death of the said John W. F. Gilman.

On the appeal to the Supreme Court of Canada, on conclusion of the argument of counsel for the appellants, the members of the Court retired for consultation, and on their returning to the Bench, the Court, without calling on counsel for the respondent, delivered judgment orally dismissing the appeal. The Chief Justice stated that the members of the Court were quite clear that there was no ground on which the Court could properly interfere with the judgment of the Court below. On hearing counsel as to costs, the Court dismissed the appeal without costs; the Chief Justice stating that the circumstances of the case were of a special character, but that it must be taken to be an order *sui generis*. *Appeal dismissed without costs.*

W. J. West for the appellants.

W. A. I. Anglin for the respondent.

* PRESENT:—Duff C.J. and Rinfret, Crocket, Davis and Kerwin JJ.

(1) 10 M.P.R. 429; [1936] 3 D.L.R. 761.