

GRINNELL COMPANY OF CANADA LIMITED AND  
LEGGATT v. WARREN1937  
\* Feb. 8.ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH  
COLUMBIA*Negligence—Automobile collision—Finding of jury—Form of finding—  
Construction—Evidence.*

APPEAL by the defendants from the judgment of the Court of Appeal for British Columbia (1), dismissing, on equal division of the court, the defendants' appeal from the judgment of Robertson J., on the verdict of a jury, that the plaintiff recover from the defendants the sum of \$11,572.70, in an action for damages for personal injuries and damage to his automobile sustained by the plaintiff through alleged negligence of defendants whereby an automobile owned and operated by the defendant company and driven by the defendant Leggatt collided with plaintiff's automobile.

On the appeal to the Supreme Court of Canada, after hearing argument for the appellants, and without calling on counsel for the respondent, the Court delivered judgment orally, dismissing the appeal with costs. The Chief Justice stated that Mr. Farris, though presenting a very able and forceful argument, had not satisfied the Court that the judgment of the British Columbia Courts ought to be set aside; that his main proposition really was that the form of the finding of the jury was a sufficient evidence that the finding rejecting Leggatt's evidence as to Warren's left hand turn was founded upon a radical misconception; the Court was not satisfied that this was so; the Court thought that the finding of the jury rejecting the evidence of the defendants on that point really concluded the case in substance. The Chief Justice called attention to the judgment of the Privy Council in *Pronek v. Winnipeg, Selkirk & Lake Winnipeg Ry. Co.* (2) (on appeal from this Court) in which there is a warning given against construing too narrowly and too critically the

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

(1) 50 B.C. Rep. 512; [1936] 2 W.W.R. 600; [1936] 4 D.L.R. 544.

(2) [1933] A.C. 61.

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—

language of the jury in the answers they give to questions submitted to them.

*Appeal dismissed with costs.*

*J. W. deB. Farris K.C.* for the appellants.

*E. A. Lucas* for the respondent.

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