

Supreme Court of Canada
Montreal Tramways Co. v. Mulhern, (1917) 55 S.C.R. 621
Date: 1917-11-13

Montreal Tramways Company v. Mulhern.

1917: October 30; 1917: November 13.

Present: Sir Charles Fitzpatrick C.J. and Davies, Idington, Duff and Anglin JJ.

ON APPEAL FROM THE COURT OF KING'S BENCH, APPEAL SIDE, PROVINCE OF QUEBEC.

Negligence—Jury trial—Medical evidence—Causal connection between the injury and the occurrence.

APPEAL from the judgment of the Court of King's Bench, Appeal Side¹, maintaining the verdict for the plaintiff (respondent) at the trial.

The husband of the respondent, while a passenger on a street car belonging to the appellant, sustained severe bodily injuries resulting in his death, when the car became uncontrollable and crashed down the grade into another car in the rear. The deceased survived the accident some months, and the injuries did not at first appear to be serious. The appellant contended that the respondent had failed to prove that the death was attributable directly to the accident.

The case was tried before a mixed jury, and a verdict was entered for the plaintiff with damages assessed at \$6,693.00, which verdict was maintained by the Court of Appeal.

The defendant appealed to the Supreme Court of Canada which, after hearing counsel on its behalf, and without calling on counsel for the respondent, dismissed the appeal.

Appeal dismissed with costs.

Thibaudeau Rinfret K.C. for the appellant.

Callaghan for the respondent.

¹ Q.R. 26 K.B. 456.