

*Judgment of the Lords of the Judicial Council
of the Privy Council on the Petition of
Robinson for special leave to appeal
in a matter of a cause intitled Robinson
vs. Canadian Pacific Railway, from the Supreme
Court of Canada ; delivered July 25th, 1911*

Present :

LORD WATSON.

LORD HANNEN.

LORD MACNAGHTEN.

SIR RICHARD COUCH.

[*Delivered by Lord Watson.*]

HAVING regard to the general imports of the question raised in this Petition upon sections 1056 and 2262 of the Civil Code of Canada, and also to the difference of judgment in the Courts below, their Lordships think it right to advise Her Majesty to admit the Appeal. But they desire to intimate that in order that the only point which they think of sufficient importance to warrant an Appeal should be fully discussed, they will not expect the Appellant to raise any question as to the propriety of the plea being added to the record. They also desire to intimate that in the event the Board coming to a different conclusion from that of the Supreme Court on the construction of the Act they will not be disposed to entertain any question as to the propriety of granting a new point which might, in that case, be open to the Respondent. That is a matter which, should it arise, must be remitted to the Court below. The hints may enable the parties to diminish the length of the record.

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