

with his colleagues the bench had determined to refuse leave to sue *in forma pauperis* in such cases unless the actions were brought in the Circuit Court. This decision will prevent useless costs to a class of litigants to whom a heavy bill of costs is an intolerable evil.

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*THE ACTION UNDER ART. 1056, C.C.*

Few cases have attracted more attention from the bar than *C.P.R. Co. & Robinson*; it might probably be added with truth that few judgments pronounced by the Supreme Court have caused so much surprise. The majority and dissentient opinions will be found in the present issue.

It will be observed that the action is brought under Art. 1056 of the Civil Code, by the widow of a man who was fatally injured while in the service of the Company, and died somewhat more than a year afterwards. The case has a peculiar history. It was twice tried before special juries. After each trial it was carried through all the courts. On the first occasion, after judgment had been rendered in favour of the plaintiff by the Court of Queen's Bench, the Supreme Court ordered a new trial. The defendants before proceeding to the second trial obtained leave to amend their pleas. A second trial took place, the verdict being again in favor of the plaintiff Robinson. It was only after all this litigation, which had extended over six or seven years, that a construction of Art. 1056 which had not occurred to the learned counsel for the defence in all this time, and which apparently had never occurred to any member of the courts through which the case had passed, was suggested at the argument before the Court of Review, after the second jury trial. The suggestion was this: That a year had elapsed before the death of the injured person; that the action for bodily injuries is prescribed by one year; that at the date of death the injured person had therefore no right of action if death had not ensued; that Art. 1056 assumes