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# LEGAL NEWS.

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VOL. XV.

JULY 16, 1892.

No. 14.

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

The Judicial Committee of the Privy Council has reversed the judgment of the Supreme Court of Canada in *Robinson v. C. P. R. Co.*, referred to at page 67. The reasons of judgment have not yet been received, but it is understood that their lordships were strongly of opinion that the view entertained by the majority of the Supreme Court, viz., that Art. 1056, C. C., gives the widow, or other relatives therein mentioned, a right of action only when at the death of the injured person there was a subsisting right of action, which, had death not ensued, he himself might have exercised, was untenable. This decision was generally anticipated, as their lordships would hardly have granted special leave to appeal in such a case unless they had felt grave doubts as to the soundness of the conclusion arrived at by the majority of the Supreme Court. As it is, the judgment accords both with the text of our Code and the intention of the enactment.

The question of the right of the defendants to a new trial on the ground of excessive damages was not pronounced upon by the Supreme Court, and the Judicial Committee expressly excluded the consideration of this question from the appeal. The defendants have the right, if they see fit, to go back to the Supreme Court on the