

CANADA / JUDGMENT

T. Eaton Co. v. Sangster

(1895) 24 SCR 708

COURT

Supreme Court of Canada

DECIDED

2 April 1895

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T. Eaton Co. v. Sangster Collection Supreme Court Judgments Date 1895-04-02 Report

(1895) 24 SCR 708 Judges Henry, William Alexander; Strong, Samuel Henry; Fournier, Télesphore; Taschereau, Henri-Elzéar; Sedgewick, Robert; King, George Edwin On appeal from Ontario Subjects Torts Decision Content Supreme Court of Canada T. Eaton Co. v. Sangster, (1895) 24 S.C.R. 708 Date: 1895-04-02 T. Eaton Co. and Sangster 1895: April 2. Present: Sir Henry Strong C.J., and Fournier, Taschereau, Sedgewick and King JJ. Negligence—Infant—Contributory negligence. APPEAL from a decision of the Court of Appeal for Ontario[1], affirming the judgment of the Divisional Court[2] in favour of the plaintiff Sangster. The action was brought by plaintiff, as next friend to his infant son, to recover damages for injuries sustained by the son from a portable mirror falling upon him when in defendants' store in Toronto with his mother. The trial judge found that there was no evidence of negligence by defendants to be submitted to the jury, and dismissed the action. The Divisional Court reversed his decision and ordered a new trial, and its judgment was affirmed by the Court of Appeal. The Supreme Court, after hearing counsel for the appellants, dismissed the appeal without calling upon counsel for the other side. Appeal dismissed with costs. Shepley Q.C. for the appellants. McGregor for the respondent.

[1] 21 Ont. App. R. 624.

[2] 25 O.R. 78.

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