

BARTLEFF V. NORTHERN ONTARIO LIGHT AND POWER CO.—
LENNOX, J.—Nov. 30.

Fatal Accidents Act—Damages—Apportionment—Persons Entitled—Divorced Wife—Infant Children—Custody—Maintenance—Allowance out of Fund in Court.—This action was brought by the administrator of the estate of George Rowe, deceased, under the Fatal Accidents Act, to recover damages for his death. After the trial of the action had been begun, a settlement was made by the parties and approved by LENNOX, J., the trial Judge, by which the defendants were to pay the plaintiff's costs (fixed at \$250) and \$2,000 damages. Judgment was pronounced accordingly, and it was directed that the \$2,000 should be paid into Court. The question whether Margaret Rowe was entitled to share in the fund, and the question of the apportionment of the fund, were reserved; and judgment was now given thereon. It appeared by an affidavit of Margaret Rowe that she and the deceased George Rowe were married in the State of Michigan, many years ago, and that two children, Emma, aged 16, and May, aged 11, were born of the marriage. It was also shewn that these children were now living with and being cared for and supported and educated by their mother. The learned Judge finds that Margaret Rowe is not entitled to share in the fund, and the two children named are solely entitled, inasmuch as Margaret Rowe obtained a decree of divorce from her husband, in the State of Michigan, in November, 1911; but that Margaret Rowe is a proper person to have the custody, care, and education of her children. He directs that, with the privity of the Official Guardian, an allowance of \$175 be paid out of Court every half-year to Margaret Rowe for the support of her two daughters so long as she continues to support and provide for them, or until further order, and that the first of these sums be paid forthwith. A. G. Slaght, for the plaintiff. H. E. Rose, K.C., for the defendants.