

Burbidge, J.]

SEDGEWICK, v. THE KING.

[June 10.]

Public work—Government railway—Injury to the person—Negligence of Crown's servant—Liability.

The suppliant, while waiting on the platform of the Intercolonial Station at Stellarton, N.S., to board a train, was knocked down by a baggage truck and injured. The truck was being moved by the baggage master. The evidence shewed that the accident could have been prevented by the exercise of ordinary care on the part of the baggage master.

Held, that as the injury of which the suppliant complained was received on a public work and resulted from the negligence of a servant of the Crown while acting within the scope of his duties and employment, the Crown was liable therefor.

Judgment for the suppliant for \$600 and costs.

Drysdale, K.C., Mellish, K.C., and Sedgewick, for suppliant. *MacIlreith*, and *Tremaine*, for respondent.

Burbidge, J.]

ARMSTRONG v. THE KING.

[June 24.]

Government railway—Injury to the person—Negligence—Liability of Crown 50-51 Vict. c. 16, s. 16(c)—Interpretation—Art. 1056 C.C.L.C.—Right of Action—Waiver by accepting indemnity.

The provisions of section 16(c) of 50-51 Vict. c. 16 (now R.S.C. 1906, c. 140, s. 20(c)) not only gives exclusive original jurisdiction to the Exchequer Court of Canada to hear and determine claims against the Crown arising out of any death or injury to the person or to property on any public work resulting from the negligence of any officer or servant of the Crown while acting within the scope of his duties or employment, but imposes a liability upon the Crown to answer in such cases for the wrongful acts of its officers or servants.

The suppliant's husband, in his lifetime a locomotive engineer employed on the Intercolonial Railway, was killed in an accident on the railway while on duty. The accident happened by reason of a fireman, who was employed on another train belonging to the same railway, failing properly to set and lock a switch in the performance of his duty.