

RIDDELL, J.

JUNE 27TH, 1907.

## WEEKLY COURT.

## VILLENEUVE v. CANADIAN PACIFIC R. W. CO.

*Railway—Negligence—Death of Servant—Neglect to Keep Bridge in Repair—Fault of Railway Company or Officer—Criminal Responsibility—Suggested Intervention of Attorney-General—Civil Action by Widow of Servant to Recover Damages for Death—Fatal Accidents Act—Consent Judgment—Civil Remedy not Suspended—Approval of Court—Apportionment of Damages.*

Motion by plaintiffs for judgment in the terms agreed upon between the parties, and for the approval thereof by the Court on behalf of the infant plaintiffs, and for an apportionment of the sum of \$2,318.58 among the plaintiffs, and for payment into Court of the shares of the infant plaintiffs.

The motion was heard at the Ottawa Weekly Court.

E. P. Gleeson, Ottawa, for plaintiffs.

W. H. Curle, Ottawa, for defendants.

RIDDELL, J.:—On the 29th April, 1907, Andrew M. Villeneuve, a railway operative in the employ of the defendants, while upon an engine of that company, was killed. Before me it was admitted by counsel for the defendants that the engine upon which the unfortunate man was, fell through a bridge, owing to the fact that the bridge had been allowed to become deteriorated. Villeneuve was thus killed. The claims agent of the defendants investigated the facts and found that the defendants had no defence to an action at the instance of the widow and step-children of the deceased. Accordingly an agreement was come to that the defendants should pay the sum of \$2,318.58, the amount of three years' wages of the deceased. A writ was issued by the widow and her two children, step-children of the deceased; and the case was brought on before me at the Weekly Court at Ottawa, on 22nd June, by way of motion that the plaintiffs be awarded judgment for the sum of \$2,318.58, for an apportioning of the amount among the plaintiffs, and for an order for payment into Court of the infants' shares.