

CASTONGUAY V. HULL ELECTRIC CO.—FALCONBRIDGE, C.J.K.B.—  
DEC. 4.

*Fatal Accidents Act—Death of Plaintiff's Husband—Action for Damages—Settlement—Approval of Court on Behalf of Infants—Apportionment of Damages—Maintenance and Education of Infants.*]—Motion by the plaintiff for judgment in the terms of consent minutes and for the approval thereof by the Court on behalf of the infants, in an action for damages for the death of Charles Castonguay, said to have been caused by the negligence of the defendants. The action was brought under the Fatal Accidents Act by the widow on behalf of herself and her infant children. The motion was heard in the Weekly Court, Ottawa. FALCONBRIDGE, C.J.K.B., in a written judgment, said that he approved of the settlement of action for \$5,000 and \$200 costs to be paid by the defendants. The elder daughter of the plaintiff and the deceased was now a little over 14 years of age. The younger would be 12 in January next. It was desired to provide for the education of these girls at an institution, which would cost about \$300 a year for each. They should be provided for accordingly until they reach the age of 17. That would require \$900 for the elder and \$1,500 for the younger. The widow should have the remainder, \$2,600. In awarding this sum her claim for past maintenance had not been overlooked. The sum of \$2,400, less costs of the Official Guardian, fixed at \$30, to be paid into Court, and the sums mentioned above to be paid out in quarterly instalments by way of maintenance. S. R. Broadfoot, for the plaintiff. A. C. T. Lewis, for the Official Guardian.

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HOSTETTER V. TOWNSHIP OF GRANTHAM—FALCONBRIDGE,  
C.J.K.B.—DEC. 5.

*Municipal Corporations—Interference by Township Corporation with Private Way—Damages—Injunction—Costs.*]—Action for an injunction restraining the defendants, the Municipal Corporation of the Township of Grantham, from interfering with the plaintiff's fences and gate along any part of a certain road, which, the plaintiff alleged, was a private road, south of the Pelham stone road, and for damages. The action was tried without a jury at St. Catharines. FALCONBRIDGE, C.J.K.B., in a written judgment, said that he agreed with the plaintiff's contentions on matters both of fact and law. There should be judgment for the plaintiff as prayed with \$5 damages, an injunction, and costs. H. H. Collier, K.C., and J. G. A. M. Schiller, for the plaintiff. A. C. Kingstone, for the defendants.