

Held, that the case fell within the provisions of s. 16(c) above mentioned, and that the Crown was liable in damages.

Held (following *Miller v. Grand Trunk Ry. Co.*, (1906) A. C. 187, the result of which is to overrule *The Queen v. Grenier*, 30 S. C. R. 42), that the right of action conferred by art. 1056 of the Civil Code of Quebec on the widow and relatives of a deceased employee whose death has been caused by negligence for which the employer is responsible, is an independent and personal right of action; and is not, as in the English Act, known as Lord Campbell's Act, conferred on the representatives of the deceased only; and that a provision in a by-law of a society to which the deceased belonged, and to the funds of which the Crown subscribed, that in consideration of such subscription no member of the society or his representatives should have any claim against the Crown for compensation on account of injury or death from accident, did not constitute a good defence to the widow's action.

Laflamme, and *Mitchell*, for suppliant. *Newcombe*, K.C., for respondent.

Province of Ontario.

HIGH COURT OF JUSTICE.

Boyd, C.]

PLENDERLEITH v. PARSONS.

[June 20.

*Interest—Mortgage—No provision for interest after maturity—
Interest at statutory rate—"Liability"—Meaning of.*

63 & 64 Vict. c. 29 (D.), which provides for the statutory rate of interest being five, instead of six per cent., as under the Interest Act, R.S.O. 1886, c. 129, contains the proviso that the Act is not to apply to "liabilities" existing at the time of its passing.

Held, that the proper construction of the word "liabilities" is with reference to interest only.

Where, therefore, in a mortgage, bearing interest at seven p.c. there was no provision for the payment of interest after maturity, no interest by virtue of the mortgage itself would thereafter be payable, and interest would only be allowed by