

he entered into partnership with Mr. Foy, the partnership continuing until his appointment to the Bench.

The management of the extensive practice of the firm of Foy & Kelly has been for many years under his supervision.

ACTION BY REPRESENTATIVES OF DECEASED WORKMEN.

There are some observations of Garrow, J.A., in the case of *Dawson v. Niagara, St. Catharines & Toronto Ry.* 23 O.L.R., pp. 675-6., which appear to have been concurred in by the full Court of Appeal, which are somewhat hard to understand. The learned judge seems to be of the opinion that no action can be taken by the representatives of a deceased workman under the Workmen's Compensation for Injuries Act. He says section 3 of that Act does not attempt to confer a right of action upon the widow, etc., all it does is to give the same right of compensation and remedies against the employer as if the workman had not been a workman. The workman himself is given a right to sue under the statute. It is as to him a new right, but, as to his representatives, the effect of the statute is simply to remove a difficulty out of the way. The action when not brought by him, but after his death, by his representatives, must thus rest for its basis upon the earlier Act (i. e., the Fatal Accidents Act), and upon it alone, although the amount recoverable is necessarily limited by the provisions of the later Act (i. e., the Workmen's Compensation for Injuries Act.)

It appears to us that in making these observations the learned judge has failed to give full effect to the words of section 7 of the Workmen's Act, which expressly provides that "the workman, or in case the injury results in death, *the legal personal representatives of the workman, and any persons entitled in case of death, shall have the same right of compensation and remedies against the employer as if the workman had not been a workman of, nor in the service of the employer, nor engaged in his work.*" These words seem to give to the personal representatives and any persons entitled in case of death, the same right of action which the deceased himself gets under the Act. If, as the learned judge assumes, the section only removes out of the way of the deceased's repre-