

part by any employee or his legal representative, of any compensation from the association on account of any such death or injury shall thereby release and forever discharge the company from any further claim for damages or compensation on account thereof. In paying a claim the provident society or association insists on obtaining a receipt and release to the railway company which the unsuspecting beneficiary usually signs, and this very often with the approval of his or her solicitor. On an action for damages being brought under Lord Campbell's Act, The Workmen's Compensation for Injuries Act, or at common law, the rules and by-laws of the association and the release, although formerly unheard of as a defence, in recent years have been elaborately set up as a complete bar to recovery.

In 1904 the Dominion Government probably recognizing this as an unrighteous defence, though taken advantage of by the Crown in *The Queen v. Grenier*, 30 S.C.R. 42, passed an Act, 4 Edw. VII. c. 31, to amend the Railway Act of 1903 and designed to abolish this defence. The Act reads:—

“1. Notwithstanding anything in any Act heretofore passed by Parliament, no railway company within the jurisdiction or legislative power or control of Parliament shall be relieved from liability for damages for personal injury to any workman, employee or servant of such company, nor shall any action or suit by such workman, employee or servant, or, in the event of his death, by his personal representatives, against the company, be barred or defeated by reason of any notice, condition or declaration made or issued by the company, or made or issued by any insurance or provident society or association of railway employees formed, or purporting to be formed, under such Act; or by reason of any rules or by-laws of the company or rules or by-laws of the society or association; or by reason of the privity of interest or relation established between the company and the society or association, or the contribution or payment of moneys of the company to the funds of the society or association; or by reason of any benefit, compensation or indemnity which the workman, employee or servant, or his personal representatives, may become entitled to or obtain from such society or association or by membership therein; or by reason of any express or im-