

Dubuc, J.] PEARSON v. CANADIAN PACIFIC R.W. CO. [Feb. 25.
*Workmen's Compensation for Injuries Act, 1893—Lord Campbell's Act—Death
 by accident—Negligence.*

This was a demurrer to the plaintiff's statement of claim which was issued to recover damages for the death of her husband alleged to have been caused by negligence of the defendants or their servants. Letters of administration had been taken out by a brother of the deceased, but as he was in the employ of the company he refused to sue. The demurrer was on two grounds. 1. That the statement of claim did not sufficiently show that the deceased was a workman entitled to the benefit of The Workmen's Compensation for Injuries Act," 56 Vict., c. 39. 2. That the Manitoba statute relating to compensation for death by accident governed the right of action, instead of Lord Campbell's Act, and that the widow had no right to sue notwithstanding the refusal of the administrator to do so.

Held, that the Act respecting compensation to families of persons killed by accident, R.S.M. c. 26, must govern in this Province instead of Lord Campbell's Act, and must be read along with The Workmen's Compensation for Injuries Act of 1895, and that such an action as the present can only be brought by the executor or administrator of the deceased person.

The demurrer was allowed without costs as the other ground alleged failed.

Howell, Q.C., for plaintiff. *Aikins*, Q.C., and *Culver*, Q.C., for defendants.

Province of British Columbia.

SUPREME COURT.

Drake, J.] DUNSMUIR v. KLONDIKE & COLUMBIAN GOLD FIELDS. [Mar. 1.

Replevin—Motion to set aside writ of—Sureties

This was a motion to set aside a writ of replevin. The plaintiff had a time charter on the steam tug "Czar," a vessel on the British Registry, and he was in possession of her. The defendants purchased the tug from the registered owner and she was delivered to the defendant by the owner without the knowledge or consent of the plaintiff. The plaintiff replevied and the defendants moved to set aside the writ of replevin on the ground amongst others that the bond given to the sheriff was illusory and the sureties were not worth the amount for which they had become bound.

Held, that there is no language in the Replevin Act, Con. Stat. B.C. 1888, c. 101, that makes it necessary to take sureties at all, and that a bond without sureties fulfils the language of the Act.

Motion dismissed with costs.

C. E. Pooley, Q.C., for plaintiff. *Gordon Hunter*, for defendants.