

Waggon Co. v. Lea, 9 Q. B. D. 149; nor is there a power given by statute for certain public reasons and for the advantage of the public to certain specified persons, such as in *Great Northern R. W. Co. v. Eastern Counties R. W. Co.*, 9 Hare 306, and *London and Brighton R. W. Co. v. London and South Western R. W. Co.*, 4 DeG. F. & J. 362. The workman is given a claim directly against the members of the board who are managing the business for whose advantage his work is given. The directors owe him a debt; and I am unable to understand why such a debt as this is not assignable, carrying to the assignee all the rights and remedies which the assignor previously had.

It is said that the statute is a penal statute and must be construed strictly. . . .

[Reference to *Welch v. Ellis*, 22 A. R. 255, 262.]

No doubt, from the point of view of the directors, the Act may be somewhat drastic—but what of the workman? The legislature had to face this situation. When a company fails and does not pay its workmen, are the workmen, who had nothing to do with the management of the company and could not know anything about the company's property, to suffer, or are those who had all to do with the management, either directly or through the man they appoint, and who knew or ought to have known all about its financial condition?

The answer given by the legislature is that the directors must bear some part of the loss at least—and, while that is “penal” as regards the directors, it is highly remedial as regards the workman. And, the director owing the workmen the money, it can make no difference to him, who sues, the workman or his assignee.

Appeal dismissed with costs.

BRITTON, J., reached the same result, his reasons being stated in writing.

FALCONBRIDGE, C.J., also agreed in the result.