

HON. R. M. MEREDITH, C.J.C.P.:—This action came on for trial at the Hastings Assizes, and, after a jury had been called, but before they were sworn, a compromise was effected between the parties out of Court, and judgment was afterwards directed to be entered, in accordance with its terms, for the plaintiff, and \$1,500 damages.

In the pleadings it was stated that there were no children, the claim being made altogether in the widow's interests. But after judgment had been directed to be entered in accordance with consent, minutes filed, it was stated that there really were four step-children—children of the plaintiff by a former husband—whose right to damages should be taken into consideration.

The plaintiff was thereupon called, and heard at length on the subject of the disposition of the damages; and it was thereafter directed that all such questions should stand over for further consideration before me at Chambers, together with an application to be made for an allowance to the mother, out of any part of the damages that might be awarded to the children, for their maintenance, after notice to the official guardian, who should represent them; and that has now been done.

The widow is 32 years of age, and the children, 6, 8, 9 and 11, and they all reside with, and are supported by her at Belleville. Neither she nor any of them has any other means, or any property.

There is nothing to indicate whether the liability of the defendants was a liability directly under The Fatal Accidents Act: 1 Geo. V., ch. 33: or only under the Workmen's Compensation for Injuries enactments, and so there would not be sufficient ground for restricting the rights of the parties to those conferred by the latter enactments, if they be more restricted than the other, as to the persons who may recover damages; but I cannot think that they are. Under the Workmen's Compensation for Injuries enactments "any person entitled in case of death shall have the same right of compensation as if the workman had not been a workman." The same right of compensation must mean that which The Fatal Accidents Act alone confers; and therefore the provision that the amount recovered "may be divided between the wife, husband, parent and child" must mean the wife, husband, parent and child provided