

ants. Plaintiff died after action brought, and his executrix applied to be substituted as plaintiff.

*Held*, on appeal, reversing the order of Gregory, J. (MARTIN, J.A., dissenting) that the cause of action did not survive to the executrix.

Per MACDONALD, C.J.A. :—The right given to an individual by the Land Act to apply for a license to cut timber on Crown lands, though all conditions precedent to the actual grant of the license have been fulfilled, does not confer upon the applicant any legal or equitable interest in the subject matter applied for.

*Harold Robertson*, for defendants. *W. J. Taylor*, K.C., for respondent.

Full Court.]

[April 28.

KRZUS v. CROW'S NEST PASS COAL COMPANY.

*Statute—Construction of—Workmen's Compensation Act, 1902—Alien dependants residing in a foreign country.*

Appeal from the judgment of CLEMENT, J., upon a case stated submitted for his opinion by WILSON, Co.J., acting as an arbitrator under the Workmen's Compensation Act, 1902. The deceased, a workman employed by the respondent company, was killed in an accident arising out of and in the course of his employment, and the applicant applied for compensation under the Workmen's Compensation Act, 1902, on behalf of the widow, who resided at the time of the accident, and since, in Austria. The widow was not a British subject and never resided in British Columbia. WILSON, Co.J., submitted the following questions: (1) Can the applicant, who is the legal personal representative of the deceased workman, and who was a resident of the Province of British Columbia, obtain an award under the Workmen's Compensation Act, 1902, the dependant of the deceased being an alien, residing in a foreign country at the time of the accident out of which the claim for compensation arose and at the time of the death of the deceased workman and ever since? (2) Can such legal personal representative in such circumstances enforce payment to him of compensation so awarded by an action on the award? (3) Can such legal personal representative in such circumstances enforce payment of the award pursuant to section 8 of the second schedule of the Workmen's Compensation Act, 1902. CLEMENT, J., answered the first question in the affirmative, and expressed no opinion on the other two. The respondent company appealed.