

binding the complainant to keep the peace towards the defendant, whom he had summoned for an alleged threatened breach of the peace. On the hearing of the complaint the defendant testified that the complainant had used threatening language toward him and the justices found as a fact that there was a real danger of a breach of the peace on the part of both parties, and accordingly bound them both over to be of good behaviour. No formal complaint was made by the defendant against the complainant who appealed. The Divisional Court (Lord Alverstone, C.J., and Darling and Phillimore, J.J.) held that there was jurisdiction in the circumstances to make the order.

FATAL ACCIDENT—WIDOW—POSTHUMOUS CHILD—DEPENDENT ON DECEASED.

*Williams v. Ocean Coal Co.* (1907) 2 K.B. 422 although a case under the English Workmen's Compensation Act, 1897, may nevertheless be found useful in the construction of our Fatal Accidents Act, R.S.O. c. 166. In this case the deceased had been killed in course of his work in circumstances entitling those dependent on him to compensation, and the question was whether his widow and posthumous child were in fact dependent on him. The facts being, that the deceased had been married in 1903 and for about nine months after lived with his wife's parents. He then lived with his wife in apartments for about six weeks. The wife then returned to her parents and the deceased went off to seek work. The wife had not seen him since December, 1905, and in April, 1906, he was killed. A posthumous child of which deceased was the father was born in April, 1906. The County Court judge had held that the widow and child were not actually dependent on the deceased and were, therefore, not entitled to compensation, but the Court of Appeal (Cozens-Hardy, M.R. and Barnes P.P.D. and Kennedy, L.J.) held that he had overlooked the legal presumption of dependency in the case of the wife, and that on that presumption there was a total dependency of the wife. Also that under the recent case of *Villar v. Gilbey* (1907) A.C. 139, the posthumous child was also a dependent, and entitled to compensation.