

fendants. The actions were brought under the Fatal Accidents Act, by one Gyorgy, who had taken out letters of administration to the estate of the two deceased men, for the benefit of their families.

The two actions were tried together with a jury at Welland, and resulted, the first, in a verdict for plaintiff for \$200, and the second, in a verdict for plaintiff for \$100. Thereupon defendants moved to dismiss the actions, because the deceased were aliens, and the beneficiaries aliens resident abroad.

F. W. Griffiths, Niagara Falls, and McGuire, Niagara Falls, for plaintiff.

F. W. Hill, Niagara Falls, and T. F. Battle, Niagara Falls, for defendants.

MULOCK, C.J.:—Andrew Muszkulki and Joseph Gabor were, at the time of the accident hereinafter mentioned, citizens of Hungary, but resident in the county of Welland, and were employed by defendants to work in a wheel-pit on the Ontario side of the Niagara river. When being lowered by a bucket into the pit, a chain which supported one side of it became unhooked, whereby they were thrown from the bucket and instantly killed. At the time of the accident Muszkulki was a married man with one child, his wife and child being aliens resident in Hungary, and Gabor was an unmarried man, who left a mother, also an alien, resident in Hungary.

These actions are brought by the administrator of the two deceased men for the benefit, in the one case of the widow and child, and in the other for the benefit of the mother.

The provincial laws being, as they are, applicable to foreigners within the province, the deceased if only injured would have been entitled to sue defendants in respect of the injury, but they were killed, and it is contended that any cause of action arising under the circumstances in question died with them. The amendment to Lord Campbell's Act, being sec. 2 of R. S. O. 1897 ch. 135, enacts as follows:—"Where the death of a person has been caused by such wrongful act, neglect, or default as would (if death did not ensue) have entitled the party injured to maintain an action and recover damages in respect thereof, in such a case the person who would have been liable, if death did not ensue shall be liable