

always on the watch. But all this cannot prevent the accident. Is it fair that the workman should bear this "risque professionnel ?" His employer may not be negligent, but at any rate, the work is being carried on for his profit. It is idle to say that the workman is paid at a higher rate, because his work is dangerous. The iron law of supply and demand compels him to take such wages as he can get in the state of the market.

### *Accident Anonyme.*

Now, first, what was the legal position of the workman injured in an *accident anonyme* before the new legislation ? By the common law of England it was quite settled that the workman who could not prove negligence on the part of the employer had no claim. A servant takes the ordinary risks of the employment. Cockburn, C.J., put it thus in a leading case: "Morally speaking those who employ men on dangerous work without doing all in their power to obviate the danger, are highly reprehensible, as I certainly think the company were in the present instance. The workman who depends on his employment for the bread of himself and his family is thus tempted to incur risks to which, as a matter of humanity, he ought not to be exposed. But, looking at the matter in a legal point of view, if a man, for the sake of the employment, takes it or continues in it with a knowledge of its risks, he must trust to himself to keep clear of injury," (*Woodley v. Metrop. District Railway*, 1877, L. R. 2 Ex. D. at p. 389; and see *Thomas v. Quartermaine*, 1887, L. R. (18 Q.B.D.) at p. 697.

The same doctrine has lately been again affirmed in France by the Cour de Cassation. An engineer on a steamer was killed by the explosion of a boiler.