

**128. Proceedings to be Summary and without a Jury.**

Article 24 enacts:—"There shall be no trial by jury in any action taken in virtue of this Act, but the proceedings shall be summary and shall be subject to the provisions of the Code of Civil Procedure respecting such matters."

These articles do not seem to call for any comment.

The special procedure in summary matters is given in articles 1150-1162 of the Code of Civil Procedure.

**129. Prescription.**

By article 25:—"The action to recover any compensation to which this act applies shall, as against all persons, be subject to a prescription of one year."

The corresponding article of the French law of 1898 is *l'action en indemnité prévue par la présente loi se prescrit par un an à dater du jour de l'accident.*

In France the article has been amended by the *loi du 22 mars, 1902*, under which the action is to be prescribed in one year, dating from the day of the accident, "or from the closing of the inquiry by the justice of the peace or from the cessation of payment of the temporary compensation."

The provision of the law of 1898 which our law has copied gave rise in France to considerable difficulty, more particularly in regard to the time from which the prescription was intended to run. It was, therefore, found expedient to make this more explicit. Under the French procedure all industrial accidents which occasion an incapacity for work must be notified within forty-eight hours by the employer to the mayor of the commune. Within four days after the accident, if the victim has not recommenced his work, the employer must deposit with the mayor a medical certificate as to the condition of the workman.

Within twenty-four hours after the deposit of this certificate it is the duty of the mayor to forward the documents to the *juge de paix* of the district. (*canton*) When