

133. Revision of Amount of Compensation.

By article 26:—"A demand to revise the amount of the compensation, based on the alleged aggravation or diminution of the disability of the person injured, may be taken during the four years next after the date of the agreement of the parties as to such compensation, or next after that of the final judgment. Such demand shall be in the form of an action at law."

This article differs to some extent from article 19 of the French law upon which it is modelled. That article reads *la demande en revision de l'indemnité fondée sur une aggravation ou une atténuation de l'infirmité de la victime ou son décès par suite des conséquences de l'accident est ouverte pendant trois ans à dater de l'accord intervenu entre les parties ou de la décision définitive.*

It will be seen that by the French article one ground of revision is the death of a workman to whom an annuity has previously been granted as compensation for incapacity. The omission of any provision for this case in our article might be supposed to indicate the intention to alter the French law on this point. But the result of such a construction of our article would lead to results so inequitable that it is impossible to accept it.

Take the case of a workman who has sustained a severe injury which renders him absolutely and permanently incapable of further work. He receives an annuity of fifty per cent. of his yearly wages and dies six months after the accident. It cannot be the intention of the legislature that the employer who has paid perhaps a hundred and twenty dollars shall have no further liability. It is true that in such a case, by article 9 the workman had the option of calling on the employer to pay the capital of the rent to an insurance company. But he may have preferred to take the permanent rent from the employer in ignorance of the fact that he had received some internal injury from the accident which was certain to cause death