

sation against the employer is concerned. 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."

Fourteen years after, in 1891, in *Smith v. Baker*, the House of Lords held directly the converse. Lord Herschell (p. 365), said: "For the reasons which I have given, I think where a servant has been subjected to risk, owing to a breach of duty on the part of the employer, the mere fact that he continues his work, even though he knows of the risk, and does not remonstrate, does not preclude his recovering in respect of the breach of duty, by reason of the doctrine, *volenti non fit injuria*, which in my opinion, has no application to such a case."

Who, then, can say law is not a progressive science? The growth of the principle of the employers' responsibility towards the workman evidences the growth of humanity towards a higher ideal of justice. When law ceases to expand in the direction of the betterment of the condition of the industrial classes, then national degeneracy has commenced its work of demolition.

St. John, N.B.

SILAS ALWARD.

We imagine it was the conviction of certain defeat at the next general elections which induced Mr. Balfour to fly in the teeth of constitutional, or rather, parliamentary usage and convention on the occasion of the vote of censure on his administration passed by the House of Commons on the 28th March, by declining to accept the same as a notice to quit. Mr. Balfour attempts to find a justification for his course in the fact that he was in a position to have defeated the motion had he deemed it worth while; but he would have difficulty in finding any precedent to support him in this view. Parliamentary government is still too serious a business to admit of power and leadership being entrusted to one who seems to be content to play the rôle