and in England, for several years, has received special mention in the Speech from the Throne.

The mass of conflicting views and rules which encompass this question—judges of equal eminence entirely disagreeing in interpreting the law—forces the conclusion that the Provincial Legislation, at present in force, rests upon an unsatisfactory, indefinite and mistaken basis.

One serious defect in the limited liability Acts is the absence of any rule by which to estimate the percentage of disability caused by an accident.

As an example, I submit three recent cases:

1st Case:

A workman in a foundry loses his life under shocking circumstances—in a tank of scalding liquid: Result, a widow and young family left destitute. Verdict, $1,000.

2nd Case: (At same assizes.)

A workman, also in a foundry, is temporarily disabled by a moulding board falling on his foot. He is a single man without encumbrances. Verdict $1,200.

3rd Case: (In British Columbia.)

An employee of a mining company is injured while descending the shaft (due, it was alleged, to his failure to signal, as required by the rules) and suffered from general shock. Verdict, $4,000.

In connection with this branch of the subject, I have perused, with interest, a paper upon "The estimation of disability and disease due to injury," by Dr. Wyatt Johnston, Assistant Professor of Legal Medicine at McGill University, and Director of the Legal-Medico Clinic, Montreal General Hospital, read before the Montreal Medico Chirurgical Society last January. The paper is a valuable contribution to the sparse literature available on this subject.

In view of the wide-spread interest which this question has excited, and the close and critical attention given to it, any expression of individual opinion should be submitted with diffidence, but I venture to suggest that instead of each of the Provinces having a law of its own, it would be far preferable if the British North America Act permitted to have one Dominion Act; or failing this, that uniform legislation be adopted; but before drafting the details of any scheme, those responsible for such legislation should first decide upon and clearly define the contingency for which it is proposed to provide.

It is my opinion that the limited liability legislation, so far introduced in Canada, has accomplished little for the workingman. It has, however, placed a premium upon speculative damage suits, has created friction between employers and employees and is, in my judgment, subversive of the real object sought. Suffering and pecuniary loss is the spur which has pressed this form of legislation forward. The motive may have been right but the method has been wrong. It was assumed that if employers were compelled to use diligence in arranging and guarding their machinery and appliances, accidents would cease. There may be exceptions, but as a rule, employers in Canada always did what they could in that direction and I believe that accidents in the province of Ontario, and, indeed, throughout the Dominion, have been as numerous and as severe since the introduction of Labour Legislation as previously.

As a precautionary measure, to compel employers to keep their appliances safe, the workmen's compensation for Injuries Act in force in Ontario, Nova Scotia, Manitoba and British Columbia may be all right, but, as provision to relieve distress caused by accidents, it is hopelessly inadequate. As the real need is compensation—that, after all, being the actual pinch of the case—the law as it stands is prostituted in every province by attempts to stretch its terms beyond any dictionary interpretation.

Judges in Quebec have taken the view that an employer in the matter of accidents is the "Patron" rather than "Master" of his employee; that it is his duty to exert a paternal or beneficient influence and when suffering arises out of the employee's occupation, to render assistance. In Ontario certain of our judges are believed to support this contention and in England some years ago no less an authority than the Master of the Rolls took somewhat similer ground.

With the English law in its present amended form, there can be little cause for surprise that public opinion in Canada should be drifting in the same direction, but the fact must be apparent that any attempt to provide a cash indemnity to relieve the financial embarrassment apt to follow accidents of occupation must fail if the legislation is punitive only, viz., if it be limited solely to cases for which the employer can fairly be blamed.

With many years' experience in dealing with accident cases, the view that pecuniary loss arising from accidents of occupation should be made a charge upon production, and that indemnity should be provided therefor, has my sympathy, and I believe that it offers the only true solution of this most difficult problem. The manufacturing and industrial interests of this Dominion, if not the backbone of the country, are of sufficient importance to receive reasonable protection, and I cannot but believe that legislation which forces these interests into the courts, without just cause, is an injustice which cannot be rectified too soon. Employers, for the most part, are willing to do what is right towards their work people, and are opposed to litigation. A scheme that would meet the object in view and remove the uncertainties, of which the present mischievous litigation is the natural offspring, would be beneficial alike to employers and employees.

To call a Limited Liability Act a Workmen's Compensation for Injuries Act is a misnomer, and to stretch its terms beyond their expressed meaning, in order to make it do duty as such, would seem inequitable.

In closing, I refer again to the sugggestion already mentioned, that it would be well, first, to understand whether the idea is to make employers liable for accidents resulting from their negligence, or whether it is to provide compensation for injured work people. It must be remembered that an accident for which no blame can attach to anybody may be just as severe and entail as much suffering as one for which blame might be attached to the employer. If the sufferer, by pure accident is to get nothing, while, in the other case, indemnity is to be granted, there would, if compensation for accidents is the object, be an anomaly. I think there should be a system of graded compensation for all accidents of occupation,