

all countries where the common law prevails have some special legislation dealing with the subject. In some countries the legislation is far-reaching and radical, in others by no means drastic. The common law obligation of the master has been thus defined: "The common law implies a contract between a master and servant whereby the former undertakes through himself or his agents to use reasonable care to furnish and maintain suitable and safe places, machinery and appliances for the work to be done, to hire competent servants and to warn the servants of all dangers of the work known to him and not known to the servant; and the latter undertakes to assume the risk of injury arising from the dangers of the work which he knows or ought to know and the risk of injury caused by the negligence of all other servants in the common employment."

I will not say the law is unjust—it is the result of the searching of able and righteous men after justice. According to common law ideas it has always been the law even though that fact was only ascertained in 1837, when *Priestly v. Fowler* was decided. The main defect in the law is that negligence of the employee, the negligence of the fellow-servant and the "voluntary assumption of risk," leave many a man disabled and with no right to recover—a burden upon the community. In the event of his disablement or death the community must care for him and his family. The master has not been in fault in any way, and the common law relieves him. It is not in the public interest that the man and his family should be placed in this position.

I cannot discuss the matter in all its bearings in the short time at my disposal. The great concurrence of opinion among those who have thought upon the subject is that the risk of carelessness either of the man or his fellow-servant resulting in injury ought to be borne by the industry. The industry has to bear the risk of machinery proving defective and of machines being injured by careless workmen. Why should it not bear the risk of workmen being careless and injuring themselves and others. There must be a certain number of accidents