in unambiguous terms to what employments the Act should apply. Many of the English cases turn upon this point. And the expression "serious and wilful misconduct" has caused much difficulty.

If we compare the state of matters in this Province, I think it will hardly be disputed that the law is just now in a somewhat unsettled and unsatisfactory condition. The opinions of the judges differ considerably as to what they will regard as sufficient evidence of fault. Some go further even than the *Cour de Cassation*, and do not require the workman to specify and prove any precise *vice de construction* when the accident is caused by machinery. It is enough that it was the master's machine. If it goes wrong, there must be some fault in it. Moreover, there is a conviction, no doubt justified by experience, that the Supreme Court takes a more rigorous view than the judges of the lower Court. Accordingly damages are frequently laid at nineteen hundred and ninety nine dollars to prevent the possibility of appeal.

Both as regards the proof of fault and of the amount of damages there is the greatest uncertainty. This is in itself a grave evil. An impression that the large or small amount awarded depends on the particular judge before whom the case is heard, is calculated to discredit the administration of justice. And such a tendency is certainly not lessened by knowing that careful provision has been made to prevent the case ever reaching the highest tribunal in the country. Now, unless the united voice of Europe is wrong, the workman's claim is founded in justice and equity even though fault is not shewn. If so, and if that opinion is now general in this country also, it would surely be better to amend the law than to torture the Code.

The experience of Germany has not been to show that the change is a heavy burden upon employers.