

it to the basis of one thousand dollars. The principle is taken from the French law of allowing a modified compensation, based on the wages above a certain amount. The basis of calculation on which an indemnity can be calculated upon this excess may, in France, be varied by the agreement of parties. But this is not so in our law. The following would be an illustration; a workman earns eight hundred dollars a year, and is rendered absolutely and permanently incapable by an accident to which the Act applies. He can claim  $\frac{1}{2}$  of \$600 = \$300 +  $\frac{1}{4}$  ( $\frac{1}{2}$  of \$200) = \$25. Total, \$325.

#### 106. Apprentices.

Apprentices, being paid nominal wages it would not be fair to them to make such wages the basis on which the compensation was to be reckoned. Accordingly under our Act as by the French Act "apprentices are assimilated to the workmen in the business who are paid the lowest wages." (art. 7).

The French Act says that the wages which shall form the basis for calculating the compensation payable to an apprentice are not to be inferior to those which are the lowest paid to *ouvriers valides de la même catégorie occupés dans l'entreprise*. Our Act omits these conditions, but no doubt in our law also the wages paid to workmen who, on account of some infirmity, receive less than the normal rate of wages would not be taken as the basis. But "workmen" does not necessarily mean men more than twenty-one years of age, it means those who are no longer apprentices. (1) If an apprentice is, as a matter of fact, paid wages which are greater than those of some workmen in the business, it would seem that the actual wages of the apprentice might be taken as the basis. The article is meant to be in favour of the apprentice and not prejudicial to him. (2)

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(1) Sachet, v. 1, n. 882.

(2) Cass., 12 janv., 1904. D., 1909. 1. 444.