

the employer of the workman, unless notice that injury has been sustained is given within twelve weeks, and the action is commenced within six months from the occurrence of the accident causing the injury, or in case of death within twelve months from the time of injury; provided always that in case of death the want of such notice shall be no bar to the maintenance of such action, if the Judge shall be of opinion that there was reasonable excuse for such want of notice." Then sec. 13 (5) enacts as follows: "The want or insufficiency of the notice required by this section, or by sec. 9 of this Act, shall not be a bar to the maintenance of an action for the recovery of compensation for the injury if the Court or Judge before whom such action is tried, or, in case of appeal, if the Court hearing the appeal is of opinion that there was reasonable excuse for such want or insufficiency, and that the defendant has not been thereby prejudiced in his defence."

Section 14 goes still further, enacting that if the defendant "intends to rely for a defence on the want of notice or the insufficiency of notice . . . he shall, not less than seven days before the hearing of the action, or such other time as may be fixed by rules regulating the practice . . . give notice to the plaintiff of his intention to rely on that defence, and the Court may, in its discretion, and upon such terms and conditions as may be just in that behalf, order and allow an adjournment of the case for the purpose of enabling such notice to be given; and, subject to any such terms and conditions, any notice given pursuant to and in compliance with the order in that behalf, shall, as to any such action and for all purposes thereof, be held to be a notice given pursuant to and in conformity with secs. 9 and 13 of this Act."

The object of the notice is to protect the employer against stale or manufactured or imaginary claims and to give him an opportunity while the facts are recent of making inquiry into the cause and circumstances of the accident. The several clauses which bear upon the subject are very loosely fitted together, but the stringency of the original provision has been much relaxed, and the injured workman is evidently the first object of the Legislature's care: cf. R. S. O. 1887 ch. 141, secs. 7, 10 (5); 52 Vict. ch. 23, secs. 12, 13; and 55 Vict. ch. 30, secs. 9, 13 (5), 14, which is now found as R. S. O. 1897 ch. 160.

In order to justify the exercise of the power to dispense with the notice of injury, etc., prescribed by sec. 9, it should