

THE WORKMEN'S COMPENSATION ACT OF THE PROVINCE OF QUEBEC.

We have received from Dean Walton, of McGill University, a neatly bound volume containing the above Act with his commentary thereon.

In the preface Dean Walton says: "The Workmen's Compensation Act of this Province, which came into force on the 1st January, 1910, has been in contemplation for some years. The principle of the Act has been accepted in so many countries that its adoption here can occasion no surprise. In its form the Act is an almost unique example of legislation modelled upon a recent French statute. Our Act has modified in some details the French law on which it is based, and it has not adopted certain parts of it, such as those relating to procedure and to the security for payment of the compensation, but most of the articles in our statute are a close copy of those in the French enactment, and the policy of the two Acts is the same. The French Act came into force on July 1, 1899. In the ten years since then it has been elucidated by a great number of decisions, and these decisions upon language identical, or nearly so, with that of our Act will be of the highest value as an aid to the interpretation of our own statute. The main purpose of the present work is to give in brief compass the results arrived at by the French courts and the views expressed by the French commentators. The English Workmen's Compensation Act stands in a different position. It likewise gives effect to the new principle of professional risk. But it differs widely from our law both in substance and in form. There are, nevertheless, certain points, such as the meaning of the term "accident," and the facts in which an accident is to be considered as happening "in the course of the work," upon which the English cases afford many useful illustrations.

Compensation.

1. Accidents happening by reason of or in the course of their work, to workmen, apprentices and employees engaged in the work of building; or in factories, manufactories or workshops; or in stone, wood or coal yards, or in any transportation business by land or by water, or in loading or unloading, or in any gas or electrical business, or in any business having for its object the building, repairing, or maintenance of railways of tramways, waterworks, drains, sewers, dams, wharves, elevators, or bridges; or in mines, or quarries; or in any industrial enterprise, in which explosives are manufactured or prepared, or in which machinery is used, moved by power other than that of men or of animals, shall entitle the person injured or his representatives to compensation ascertained in accordance with the following provisions.

2. In cases to which article 1 of this act applies, the person injured is entitled:

a. In case of absolute and permanent incapacity, to a rent equal to fifty per cent. of his yearly wages, reckoning from the day the accident took place, or from that upon which by agreement of the parties or by final judgment it is established that the incapacity has shown itself to be permanent;

b. In case of permanent and partial incapacity,

to a rent equal to half the sum by which his wages have been reduced in consequence of the accident;

c. For temporary incapacity, to compensation equal to one half the daily wages received at the time of the accident, if the inability to work has lasted more than seven days, and beginning on the eighth day.

The capital of the rents shall not, however, in any case except in the case mentioned in article 5, exceed two thousand dollars.

3. When the accident causes death, the compensation shall consist of a sum equal to four times the average yearly wages of the deceased at the time of the accident, and shall in no case, except in the case mentioned in article 5, be less than one thousand dollars or more than two thousand dollars.

There shall further be paid a sum of not more than twenty-five dollars for medical and funeral expenses, unless the deceased was a member of an association bound to provide, and which does provide therefor.

What is an Accident.

The meaning of this term, which is not defined in our Act or in the French or English Acts, has been much discussed in the courts, and it is satisfactory to find that the Courts of France and of England have come independently to the same conclusions.

In an official circular issued by M. le Garde des sceaux it is defined as *une lésion corporelle venant de l'action soudaine d'une cause extérieure*. (1)

An accident du travail has been more fully defined as an injury (atteinte) to the human body, arising from the sudden and violent action of an external force. It includes every lesion of the organism apparent or unapparent, internal or external, profound or superficial; thus insanity, resulting from a shock to the emotions, may be an accident.

Accident is distinguished from disease in having always an external cause, which cause always manifests itself in a sudden or violent manner; whereas disease, on the other hand, frequently has an internal cause, and frequently also, a slow and continuous evolution.

Consequently there is an accident, in the sense of the Act not only in the case of death, or of external or internal wounds, but also in the case of physical lesions having a character of suddenness. (2)

So peritonitis, caused by a strain in lifting a heavy weight is caused by accident, (3) and a rupture caused in a similar way, or by a violent blow, have been held to be accidents. (4)

Upon the same grounds in England the House of Lords has held that the word "accident" is used in the popular and ordinary sense, and means "a mishap or untoward event not expected or designed."

PHILADELPHIA LOAN.—The City of Philadelphia called for tenders \$8,000,000 4 p.c. 30 years bonds and only received bids for \$821,000. The condition of the money market and the litigation which is said to be in progress between several taxpayers over the civic finances, no doubt, accounts for the failure of the loan.