

to set him at work upon a dangerous automatic machine in poor repair is inexcusable fault on the part of the employer (29).

Section 6 provides that the Act does not apply to workmen earning more than one thousand dollars per year, and has been upheld by the Courts with the proviso in one case that the plaintiff's rights under common law still remain (30). In estimating a man's yearly wage, in order to determine whether or not the Act applies, it was held that the amounts he would have earned but for unexpected idleness should be added to his actual receipts (31).

Cases are still taken in Quebec under the common law. To allow an inexperienced employee to work stringing charged wires without furnishing rubber gloves makes the employer liable for damages (32). After the famous collapse of the Quebec Bridge in 1907, the Phoenix Bridge Co. was sued by an injured workman, who claimed \$25,000. He was granted \$20,000 on the ground that there were errors in the plans and defects in the chords of the bridge. As this accident happened prior to the date when the new law went into effect, the restrictions that might have been placed by it upon the amount of compensation did not apply (33).

(b) Saskatchewan.

Section 4 of the Act of this province provides for compensation for accidents arising "out of and in the course of the employment."

A \$4,000 verdict is not excessive for injuries to a man, earning \$1,200 to \$1,500 per year, when he has suffered a weak back and neurasthenia (34). The employer is responsible even though the employee knew of, while not appreciating fully, a dangerous condition and did not report it (35). When a workman knows of the negligence of the employer, he is bound to use reasonable care to avoid consequences and to ascertain dangers incident to his work (36). In applying the Act, the words "out of" point to the origin or cause of the accident, and "in the course of" apply to the time, place and circumstances; a brakeman killed while switching cars by a certain process is entitled to compensation even though at the time of the accident he was on the ground instead of on the engine-tender step as he should have been (37).

(29) 51 Que. S.C. 137.

(30) "Labour Gazette," 14: 1234; 15: 866.

(31) "Labour Gazette," 16: 526.

(32) 26 D.L.R. 159.

(33) See "Labour Gazette," 11: 271.

(34) 4 D.L.R. 143.

(35) 4 D.L.R. 134.

(36) 11 D.L.R. 369.

(37) 15 D.L.R. 172.