

"Considérant que la demanderesse a droit, en outre, à la somme de vingt-cinq piastres (\$25.00) pour frais funéraires.

"Maintient l'action de la demanderesse et condamne la défenderesse à payer à la demanderesse la somme de cinq cent vingt-cinq piastres (\$525.00) avec intérêts et dépens."

La cour d'Appel a confirmé ce jugement:

Archambeault, J. — After reciting the facts, pleadings and judgments of the Court below. — "The appeal is based upon three grounds, namely: 1. The accident was due to Gosselin's inexcusable fault; 2. He was not in the course of his work when he was killed; 3. He was not at the time of the accident the only support of the plaintiff.

"On the first point, appellant relies upon section 5 of the act. It reads as follows:

5. No compensation shall be granted if the accident was brought about intentionally by the person injured.

"The Court may reduce the compensation if the accident was due to the inexcusable fault of the workman, or increase it if it is due to the inexcusable fault of the employer.

"In the present case, it is not pretended that Gosselin intentionally brought about the accident. This is not a case in which compensation should be refused. It is a case for reducing it simply. This has been done by the judgment appealed from. However inexcusable a fault, it can never be said that the consequent injury was intentionally brought about. The employer is not responsible in the latter case, because it was wilfully incurred by the injured person himself.

"Gosselin's fault was not the sole cause of the accident. The box full of stones fell, and this was the real cause