

to be settled by the Ontario Legislature is, whether this example shall be followed, or the remedies of the workmen entirely restricted to those specified in the Bill which has been laid before it.

The views of the learned Commissioner whose recommendations have determined the form of the Bill, are distinctly expressed in s. 15, which declares that the right to compensation which is given by Part I. of the Act "shall be in lieu of all rights and rights of action, statutory or otherwise, to which a workman or his dependants are or may be entitled against the employer * * * and no action in respect thereof shall lie." It is to be hoped, however, that even the opinion of so eminent an authority will not deter the Legislature from subjecting this section to close scrutiny and vigorous criticism. Its insertion in the Bill was presumably induced by a feeling that the preservation of the right to maintain actions at law would throw an unfairly heavy burden upon employers who were required to furnish the whole of the compensation fund. But it is submitted that this consideration is not conclusive, and that there are adequate grounds for maintaining that such a provision is prejudicial to the real interests of employers and workmen alike.

The fatal defect of the provision is that it necessarily operates so as to place culpable and non-culpable employers on the same level as regards their pecuniary liability for injuries received by workmen. This failure to discriminate between the two descriptions of employers will certainly tend to lower the average diligence exercised by employers as a whole. The process of deterioration may be slow, and its extent not susceptible of an exact estimate, but, as human nature is constituted, it is inevitable.

When viewed in relation to the interests of employers, the consequence thus indicated is manifestly undesirable, as producing an increase in the number of cases in which claims upon the compensation fund, created and supported by their contributions, will be presented and allowed, and thus subjecting the careful class of employers to an augmented burden due solely to the misconduct of the careless class. The certainty of this result is so clear that it is difficult to understand on what grounds the