3156	due to fault of employer.....	or	19	p. c.
4094	" " victim.....	or	25	"
711	" " both.....	or	4	"
524	" " fellow workman or third party.....	or	3	"
6931	due to risks which were incident to the employment and in fact, unavoidable...	or	43	"
554	due to unknown cause.....	or	3	"

If these figures represent at all fairly the proportions in other countries, — and I see no reason why there should be any difference — they show that under the old rules of law the employer is only liable in about one-fourth of all the cases of serious injury.

Calculations made in Belgium confirm them.

M. Harzé estimates there, that out of a hundred accidents to workmen, seventy give no claim to legal reparation, if the law requiring actual fault is strictly applied. (see Stocquart, " Contrat de Travail, " p. 101). In Switzerland it was reckoned that only from 12 to 20 per cent. of accidents were due to fault of the employer. I do not doubt that, as the law is administered in this Province, the master is here held responsible in very many of the cases classed in Germany as unavoidable accidents. This result is reached by allowing " fault " to be presumed from circumstances. As judges differ widely with regard to their liberality in admitting such presumptions, an element of uncertainty is thus introduced.

Defect in Machinery or Appliances

There is, however, a large class of cases in which either direct evidence or " weighty, precise and consistent presumptions arising from the facts "—to employ the language used in the Supreme Court of