

But the workman's claim is not the less valid by reason of the fact that his state of health or the peculiarities of his constitution predispose him to the aggravation.

Tuberculosis which was more or less latent may have been brought out by the accident or an injury may have more serious results for him owing to a previous condition of varicose veins. It is sufficient, however, if he can prove that the aggravated symptoms from which he suffered are causally related to the accident. (1)

But it must not appear that they were not due to the accident at all but to a prior disease. (2)

One of the latest decisions of the *Chambre des Requêtes* is difficult to reconcile with these principles. The trial court had awarded compensation to a workman for permanent and partial incapacity caused by the accident, but had held that certain cerebral symptoms from which he suffered were not due to the accident at all but to a prior disease, namely, arterial sclerosis. These cerebral troubles subsequently became aggravated and rendered the workman absolutely incapable of work. In an action for revision of the compensation the medical testimony was to the effect that the accident had accelerated the development of these troubles. Compensation for absolute incapacity was then awarded and the judgment was sustained by the *Chambre des Requêtes*. It seems impossible to resist the criticism of the learned annotator on this case that this was, in effect, reopening a question which had been finally decided in the original action. If there was ground for revision here, by parity of reasoning that remedy would be available when the court had held that the injury was not related to the accident at all. The case must be regarded as of doubtful authority. (3)

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(1) Civ., 1 déc., 1908, D., 1909. I. 229.

(2) Req., 25 mars, 1908, D., 1908. I. 358; Sachet, v. 2, n. 1362; Cabouat, v. 2, n. 807.

(3) Req., 25 mars, 1908, D., 1908. I. 385.