THE NEW LAWS OF EMPLOYERS' LIABILITY FOR ACCIDENTS IN ENGLAND AND FRANCE AND THEIR BEARING ON THE LAW OF THE PROVINCE OF QUEBEC.

It is a very important sign of the times that two of the chief industrial countries of Europe have lately been recasting the law of liability for accidents.

There is, I suppose, no more causal connection between the Workmen's Compensation Act 1897 and the "loi du 9 avril 1898" than if London and Paris were in different planets. But the problem to be solved was fundamentally the same in both countries, and if a closely similar solution has been found, there is at least a strong presumption that it is a solution which satisfies the popular sense of justice. Broadly speaking, both England and France have thrown overboard the traditional doctrine of the law, that a workman could never recover damages for injuries sustained through an accident, unless he could prove that the accident was caused by the fault of his employers.

The Roman law said *quae sine culpa accidunt a nullo præstantur* (*de reg. jur.* 23) and every modern system followed this general rule.

Under the new law the English workman must be compensated unless it is proved that the injury is attributable to his own "serious and wilful misconduct" s. 2, His Frenchbrother is only barred if he has "intentionally provoked the accident," s. 20; but the Court may diminish the damages if the accident was due to the "*faute inexcusable*" of the victim.

In this province the present law is stringent enough upon employers. Indeed, I venture to think that they