Given a poor workman, a rich employer, (perhaps a large railway company), an ingenious advocate, and a humane judge anxious to give a reparation which he feels that natural justice demands, and, as all lawyers will see, a good deal may be done with a code. In Belgium, the *question ouvrière* has been for years very acute, and it is, therefore, not surprising that the main attack upon the old law has been directed from that quarter.

The articles 1382, 1386 of the Code Civil Belge are identical with those of the Code Napoléon, and, with one or two differences immaterial for the present purpose, identical also with our articles 1053, 1055. One of the chief advocates of the new view was M. Sainctelette, a former minister of state in Belgium. (Sainctelette, *De la responsabilité et de la garantie, Paris et Bruxelles*, 1884, see esp. pp. 129 seq.) Other supporters are Laurent (vol. 20, No. 639) and Marc Sauzet, *Revue critique de législation et de jurisprudence*, 1883.

The arguments take two forms :

1. Retaining the theory of all the old writers, and of the jurisprudence, that the liability of the employer rests on delict or quasi-delict, it is urged that, if an accident occurs, there is a presumption that the master is in fault, and he is liable in damages unless he proves that the accident was due to an unavoidable cause. The ordinary rules of evidence are to be inverted to meet the "hard case" of the workman, and the onus is to be thrown on the defendant. The argument is supported by the provisions of the Code, that one is responsible for the things which he has under his care—*sous sa garde*,—and by the analogy of the liability, incurred by the owner of an animal which hurts anyone, or of a building which falls and causes loss to a third person.