On this continent a similar change took place and gradually Employers' Liability Acts have come into operation in practically all the States and Provinces.

Because several Provinces of Canada still have liability acts in operation we may consider here the objections to their method of awarding compensation.

(a) It is an uncertain and vague method. It has been found to be impossible to determine the exact duty of an employer to his workmen. Such a maze of technicalities and subtle distinctions has been developed that even a widely experienced lawyer is unable to tell with any certainty what will be the outcome of his case.

(b) It breeds an antagonism between employers and their employees. This is the universal testimony of those who have had to do with employers' liability cases.

(c) It is wasteful in the costs of litigation and produces only small and uncertain compensation for the workman. An investigation was made of the expense incurred in 1907 by 327 firms in New York State for the defending or appealing of accident cases and the payment of awards. These firms employed close to 126,000 men. During the year they paid out on the general account of accidents $195,538.00. This went for accident awards, accident insurance premiums and legal expenses. The part of this which reached the injured persons was $104,643.00, or less than 54% (5).

(4) *Compensation Legislation.*

In the third stage of development a step is taken beyond a mere attempt to fix the responsibility for an accident: it is laid down as a principle in this type of legislation that the workman is entitled to compenastion for his injury regardless of its cause and means are provided for paying him an adequate amount; the only exceptions to the above principle are when the accident is caused by the workman's own serious and wilful misconduct.

It was soon found in Great Britain that the Liability Act of 1880 had not solved the problem: indeed, Mr. Asquith (6), has described the act as "an elaborate system of traps and pitfalls for the unwary litigant" and as "a scandalous reproach to the Legislature." In 1897 an Act was passed which did away with the previous doctrine of common employment: it was amended into

(5) See "Labour Gazette," Bureau of Labour (Canada), vol. 10: 683 ff. General references:—Bailey, W. F.—"Treatise of Law of Personal Injuries;" Beven, Thos.—"Law of Employers," "Liability and Workmen's Compensation;" Boyd, J. H.—"Treatise on Law of Compensation."

(6) "Political Science Quarterly," v. 17: p. 256 f.