

**ROMANO v. O'SULLIVAN.****Workmen's Compensation Act—Inexcusable fault—  
Intentional fault—R. S. 1909, Art. 5.**

Under the Workmen's Compensation Act, the fact that an accident may be due to the gross fault and negligence of the person who suffers the accident, is not a ground for rejecting the demand for compensation, but only a ground for lessening the amount of such demand.

The judgment of the Superior Court which is confirmed, was rendered by Mr. Justice Guerin, on May 12, 1915.

This is an ordinary action under the Workmen's Compensation Act by which the plaintiff claims salary and a rent of thirty five cents per day, for permanent partial incapacity. The plaintiff alleges that he has lost the little toe of his right foot, and that the second toe of his right foot having become rigid.

The defendant pleaded specially, that the accident was due to the plaintiff's gross carelessness and inexcusable fault and denied the partial permanent incapacity. He made a confession of judgment for \$159.50.

The Superior Court maintained the action for \$281.25 and granted an annual rent of \$24.

In Review:

*Mr. Justice Archibald, Acting Chief Justice.* The judg-

---

Archibald, Acting Chief Justice, McDougall, and Weir, JJ.—Court of Review.—No. 3275.—Montreal, October 28, 1916.—Théberge and Germain, attorneys for plaintiff.—Perron, Taschereau, Rinfret, Vallée, and Genest, attorneys for defendant.