Examination by experts failed to discover any fault in the construction of the boiler. The precise cause of the accident remained a mystery. It was held there was no liability. (Cass. 28 fév. 1897, S. 1898, 1-65.) This was, of course, before the passing of the new law.

This also seems to be the law of this Province. In several cases it has been held by the Supreme Court, that where the actual cause of the accident is purely a matter of speculation the employer is not liable. (Montreal Rolling Mills Co. v. Corcoran 1897, 26 S. C. R. 595; Canada Paint Co., v. Trainor, 1898, 28 S. C. R. 352; Dominion Cartridge Co. v. Cairns, ib. 361; Canadian Coloured Cotton Mills Co. v. Kervin, 1899, 29 S. C. R. 478.) But some judges continue to take a less strict view, and to presume the existence of fault.

But, surely, if the owner's liability is legally based on fault, and fault only, it seems difficult to say that the general rule *actori incumbit probatio* can be relaxed. If a plaintiff who sues on a contract must prove his case, one who bases his claim on the fault of the defendant must convince the Court that the facts point to the existence of some fault. Now, if this be good law, it is important to have some idea of the proportion of accidents which are "anonymes" and in which damages if the rule is strictly applied, cannot be recovered.

Before the system of compulsory insurance, which is now in force in Germany, was introduced, the government caused careful statistics for one year to be compiled.

The Reichsversicherungsamt published these figures for 1887. Out of 15,970 serious accidents, involving incapacity for work for at least three months, there were :