bar to another, for the condition may have altered in the interval of time between the two claims. (1)

It is an aggravation or diminution of the disability which is the foundation of the claim, and, therefore, it cannot be based upon a change in the condition of the workman which does not affect the degree of his incapacity. For example, if the workman was so injured by the accident as to be found entitled to compensation for absolute and permanent incapacity, there cannot be any subsequent aggravation short of his death. His condition may have changed for the worse but his disability cannot have become greater than it was. This is the view taken in France where the words are "an aggravation or an attenuation of the *infirmity*." In our law it is still clearer as the word "disability" employed in the English version may be used to explain the term "infirmity" in the French version.

Conversely if the demand is by the employer it is not enough to prove that there is an improvement in the condition of the workman if his incapacity remains the same. (2)

The onus of proving all the essential facts lies upon the plaintiff. If the demand is by the workman he must prove that there has been an aggravation which has increased his incapacity and that this aggravation is due to the orignal injury. (3)

The aggravation must not be due to wrong treatment of himself, or to wilful and unreasonable refusal to follow the treatment prescribed. (4)

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(1) Req., 9 janv., 1906, D., 1906. 1. 181; Civ. 6 nov., 1906, D., 1907. 1. 463; Lyon, 21 mai, 1901, D., 1904. 2. 97.

(2) Sachet, v. 2, n. 1361; Cabouat, v. 2, n. 817.

(3) Civ. 18 juillet, 1905, and 19 fév., 1908, D., 1908. 1. 241; Req. 25 mars, 1908, D., 1908. 1. 385.

(4) Aix, 17 janv., 1903, D., 1904. 2. 111; Sachet, v. 1, n. 460. As to refusal to submit to operation, see supra, p. 63.