

according to the medical certificate the injury appears likely to cause the death or permanent incapacity for work, absolute or partial, of the workman, or when the victim has died, the *juge de paix* must within twenty-four hours proceed to hold an inquiry in order to ascertain the cause, nature and circumstances of the accident, the persons injured, the nature of the injuries, the representatives who may be entitled to indemnity and the wages of the persons injured. The justice of the peace is to go to the person injured if he is not in a position to attend the inquiry. Under this excellent system where the inquiry into the essential facts must be held within a very short time after the accident, it is reasonable to take the date of the closing of this inquiry as that at which the prescription shall commence. In the occasional cases in which an accident has appeared at the time to be so trifling that it was not thought necessary to make any declaration of it or to hold an inquiry, the date of the accident is still the time at which the prescription begins to run. Under our Act, which does not provide for any such prompt investigation, prescription begins from the day of the accident. The intention of the article clearly is to exclude any claim to compensation whether for death or for incapacity, permanent or temporary, which is not made within a year of the accident. As the article has no special provisions on the subject the ordinary rules of the law of prescription must be applied.

Prescription is reckoned by days and not by hours; it is acquired when the last day of the term has expired; the day on which it commenced is not counted. (1)

Thus if the accident has happened on the first of January, 1910, the right of action will exist until the end of the day of the first of January, 1911. But article 8 of the Code of Civil Procedure which says that "if the

---

(1) C. C. 2240.