This case and its decision led to the establishment of the following principle of common law:—"A servant, when he engages to serve a master, undertakes as between himself and his master to run all the ordinary risks of the service, including the risk of negligence upon the part of a fellow-servant when he is acting in the discharge of his duty as servant of him who is the common master of both." In this way there was established "The Doctrine of Common Employment," which was later adopted by the Courts of the United States, but rejected by those of Germany and France. Under the operation of this rule it was established beyond controversy that "every risk which an employment still involves after a master has done all that he is bound to do for securing the safety of his servants is assumed, as a matter of law, by each of those servants." It had also been held that wher accidents were due to known risks, even though caused by the master's negligence, they were not generally actionable.

There was, of course, much to be said in favour of this principle when it was first laid down; under its operation injustice was not done so frequently as it would be under the complicated industrial system to-day. In modern industry there is a much larger proportion of accidents that could not be foreseen; under the above principle of common employment the employer would in all such cases be left free from responsibility and the employee would receive no compensation for an accident that was not his own fault. It should be noted that in Lord Abing r's careful and elaborate argument in the famous case of *Priestly* v. *Fowler*, he drew all his comparisons from domestic service and not from industry; industrial life as we know it was foreign to his mind (4).

(3) *Employers' Liability Acts.*

The prevalence of the doctrine of common employment and of assumed risks may be called the first stage in the development towards the present; the adoption of the so-called Employers' Liability Acts would constitute the second stage.

In 1880 in England, the Employers' Liability Act was passed. This Act did not do away entirely with the doctrine of common employment, but in five specified cases it did practically secure its abrogation. These cases were specified as those in which there was any defect in the plant, etc., or any neglect on the part of a superintendent, fellow-servant or signalman for which the employer was responsible.

(4) "The Green Bag," v. 18: p. 185 f.