

the master alone is liable in law. "The fitness of the agent is always at the risk of the employer," says Keating, J., in *Williams v. Jones* L. T. R., Vol. 13, N. S. And therefore the law makes the employer liable for all injuries committed by the employed in the regular course of his work; not, however, outside that. So far the law is hard, perhaps, on the master, but logically so; yet on the other hand, to equalize rights, the law gives no remedy against the master, where a fellow-servant has been thus injured by another. This is on the principle that such risks are accepted by the servant as considered in his wages, (*Morgan v. Vale of Neath Railway Company*, L. T. R., Vol. 13, N. S.) So if the former rule of law be considered stringent on the master, the latter is equally on the servant. This should be remembered by those who are always prone to imagine and argue, that the ancient order of things is changed, and the masters have become the dependant and weaker class. A very painful case is reported from the Nisi Prius Court at Liverpool, at the last summer assizes, where a hole having been made in the floor of a factory, for the repair of a shaft by one of the servants of the defendant, a fellow-servant (the plaintiff) fell through and was injured. The judge nonsuited the plaintiff on the rule given above.

Such are the principal provisions of law which affect master and servant. But if a good servant is obtained, in the proper sense of the word, there will be neither necessity nor inclination for any appeal to legal rules. And although a lawyer is out of place if he quits the clearly defined boundaries of law for the flexible limits of morality, or rather social morality, in discussion, it may not be out of place if these pages devote some of their space to the consideration of questions which affect, more or less thousands of families.

There is not the *entente cordiale* that there should be between employers and employed, generally speaking, in domestic service. The mistresses complain loudly against the servant, the servants against the mistresses. The latter complain of long hours of labour, undue and trying interference in the trivial details of dress, and the like; and generally, of a want of recognition that servants are "flesh and blood like the mistresses." And, on the other side mistresses complain of the insolence and "dressiness" of their servants; of their liability to desert them suddenly on slight cause; and of their frequent habit of slandering, indirectly, the character of master and mistress, in such a manner, as while not actionable, yet works mischief, and keeps servants away.

I do not know that this latter propensity is confined to servants. But undoubtedly (as we had the honour of pointing out in the last number of this Magazine) the law of slander has loopholes wide enough to let many offenders escape. It is possible, and sometimes the fact, that ill-disposed servants can and do slander among themselves the master and mistress whom they disapprove of. Enough

may be done, say those who allege and complain of this practice, to keep an obnoxious master servantless; while at the same time nothing is said that comes within the limits of the law and slander. In a letter written by a lady whose experience and interest in the matter are well known, emphatic complaint is made of the habit of slander by servants: "mostly a vice indulged in simply from a love of mischief, a malignant feeling difficult to define or account for;" and instances are given of new servants induced to desert their masters suddenly from the unpunishable representations of the old ones. The writer laments the deficiency of the law in not touching cases in which the speeches just keep on the weather-side of defamation, and asks for legislative remedy. This is hardly feasible. And, as in the former instance, any remedy must be open to superior and inferior alike. The mistress who insinuates doubts of her servants—who, without doing it illegally, clouds their characters, must be equally liable to summary remedy. There is no doubt room for both complaints; and we have no wish to underrate the discomfort and annoyance that can be caused by bad servants, although, on the other hand, the amount of suffering that can be inflicted by bad mistresses is not to be forgotten.

In the case of such slander as may work either party injury, without being actually actionable—if a new remedy is insisted on, it would certainly, we think, be best found in an additional power conferred on a county court judge in awarding damages, and in lieu a month's imprisonment against the convicted defendant. After all, we cannot find any substitute for the principle of paying in person where it is impossible so to do in purse, and the only way to avoid the appearance of partiality and the inevitableness primarily of imprisonment, is to give a chance to either party of paying a pecuniary mulct.

The object of this paper is to give, very briefly expression to the complaints of both sides. There is no doubt that reason for dissatisfaction exists far more than it should, with superior and inferior alike. The desire of all who study the realities of life must be, in the words of an article which appeared in the *Alexandra Magazine*:—"that the employer and employed may join hands in this effort, and by taking their stand on the broad and high ground of goodwill and Christian fellowship, that they may each be enabled to see more clearly defined the path of duty that lies before them."

No legal reform can have any permanent, or, indeed, any temporary good fruit unless its principles are backed by the teachings of social morality. This is peculiarly so in the question before our readers. The remedy for many patent evils in the relationship of employer and employed lies in mutual consideration and respect. Talfourd in his dying words, showed the key to many puzzles of civilization. Those noble and simple utterances, made