PROPOSED ALTERATIONS IN THE LAW OF MASTER AND SERVANT.

There are at present four bills before the Imperial Parliament for extending the liabilities of public companies and other employers to their servants for injuries arising from accidents caused by the negligence of fellow servants. One is introduced by the Attorney General and may be termed the Government bill. The others are introduced by private members. The four bills were discussed in a paper read by Mr. Joseph Brown, Q. C. at a meeting of the Social Science Association, which is reprinted at length in the English *Law Journal* for May 31st, ult.

After mentioning the fact that the present law, which does not allow a claim against the master or employer in respect of such injuries, unless he has been guilty of carelessness in the selection of the servant who caused the mischief—has, of late years, been loudly complained of as unjust by those who put themselves forward as representing the working classes, Mr. Brown proceeds to discuss whether and how far the proposed alterations are just and expedient. The most sweeping bill is introduced by Mr. Macdonald, the well-known "working-man's candidate." It begins (sec. 1) by sweeping away altogether any defence founded on the doctrine of common employment in the same service, or on the fact that the injured servant of his own free will incurred the risk. His bill extends, moreover, even to domestic servants. This bill, Mr. Brown argues, is unjust: firstly, because it punishes employers where they are absolutely free from blame, apparently because they can afford to pay damages, while the doer of the injuries probably could not, which, he justly observes, is about as equitable as the story of a certain judicial functionary, before whom a young man was summoned for a debt, which he was unable to pay, but the creditor suggesting that the debtor had a rich aunt, the Judge is reported to have made an order for payment upon the aunt; secondly, because it very often punishes employers for accidents which arise solely from the disobedience or neglect of the men themselves; thirdly, because it alters, without consent, the express or implied terms on which the workmen were engaged. It might also, says Mr. Brown, prove highly impolitic by removing the stimulus to carefulness, and to habits of providence and forethought among the working classes.

At all events the Parliamentary Committee appointed to enquire into the subject, in their report in the year 1877, condemned Mr. Macdonald's proposal. It is on this report apparently that the Attorney-General's bill is based. The effect of this bill is to make the owners of railways, mines, manufactories, and "other works," liable to their own workmen for injuries caused by the neglect of any "servant in authority," which is defined as including all persons employed to manage the whole or any part of the works, but to exclude all others. This, too, Mr. Brown argues is unjust, as making the master liable for what he did not order and could not prevent, and for what is done by the manager, not in fulfilment of his duty, but in violation of it: moreover the employment of an experienced manager is to the advantage of the workmen themselves, and to the public, besides being often a necessity: and the managers are generally so well paid as to be quite able to meet the consequences of their own default. Nor again have the proprietors of mines, railways and large concerns any need of an additional stimulus to the careful selection of their managers.