

## The Legal News.

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### EMPLOYER AND WORKMAN.

The rule that a workman has no action against his employer for injuries received in the performance of his duty, has been sustained by the English Courts in a long series of decisions. Some of the principal cases referring to the point will be found on turning back to page 159 (No. 14). Of late, however, some have wished to relax the rule a little in the case of railway companies, and to make them liable for the injuries sustained by their employees. The London correspondent of the *Gazette* notices the proposed change as follows:—

“Another topic that is being fully ventilated is the propriety of making railway companies liable for the injuries received by their servants. Now the latter are entitled to no compensation for such injuries, a case, which is considered conclusive, having been decided some years ago, in which the learned judges ruled that in the absence of an express contract to the contrary there was an implied contract between employer and servant that the former should not be liable for damages received by the latter in the performance of his duty. The grounds upon which this decision was based have since been admitted to be wrong, but the decision stands nevertheless, the liability of an employer to a stranger for injury caused by his servant being an exception to the general rule, and not a part of the common law. The railway servants demand to be put on the same footing as the public, and they have the able advocacy of Mr. Lowe on their side, but it is extremely doubtful whether they will gain their object, especially as the bill for improving their legal position was talked over just before the recess, and the question has assumed so difficult an appearance that no one seems inclined to revive it.”

There seems to be no insuperable objection to the proposed alteration of the law. If it were carried out, the companies would become in point of fact the insurers of their employees against accidents, and, if appreciable at all, the

effect probably, other things being equal, would be simply to reduce the wages paid to railway servants by so much as would cover the increased risk to the employer. Against the change, it might be urged that there is no occasion for legislating in the interest of a class, seeing that accident insurance companies stand ready, for a small consideration, to afford the insurance desired by employees.

### FORENSIC ELOQUENCE.

The style of speaking in the English House of Commons, as everybody is aware, has changed very greatly within less than a century. The impassioned oratory of Pitt's time is heard no more, and the Commons does its business for the most part in a very matter-of-fact way, with but little toleration and less respect for set speeches. Equally striking, according to the *Edinburgh Review*, is the change which may be observed in the style of speaking in the English Courts. Noticing Sumner's statement, that he had “heard a style of argument before the Supreme Court at Washington superior to anything he had heard in London,” the *Review* says:—“We are unable to make the comparison. But there has long been at the English bar an aversion to oratorical display, except on very rare occasions which seem to admit of it; and, on the whole, the business of our courts is conducted in a very plain, matter-of-fact way which may have seemed tame to an American ear, especially to Sumner, who had in him the instinct and powers of an orator. Indeed, we fear that if he could now renew his visits to Westminster Hall he would not find that an interval of forty years has raised or improved the intellectual, legal, or oratorical powers of those who preside or argue there. On the contrary, with some few exceptions, he would find, we regret to avow it, a great and palpable decline. On the bench he would look in vain for the strength, the concentration, the learning, the masterful authority of those earlier days. At the bar he would seek in vain for eloquence, or even advocacy, of the highest order, and he would learn with extreme surprise that one of the most eminent members of the English bar in 1878—a man without a superior, and almost without a rival—was the *ci-devant* Secretary of State of the Southern Confederacy. More