

**EMPLOYERS' LIABILITY
AND COMPENSATION TO
WORKMEN ON THE
CONTINENT**

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Employers' Liability and Compensation to Workmen on the Continent by A. Pearce Higgins

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A. PEARCE HIGGINS

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AND

COMPENSATION TO WORKMEN

ON

THE CONTINENT.

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EMPLOYERS' LIABILITY ON THE CONTINENT.

INTRODUCTION.

THERE are many causes which render the present a favourable moment for investigating a doctrine which at first sight seems to conflict with a fundamental principle of law, namely, that the individual is only liable for his own acts; and for examining the foundations of the wide-spread liability which exists in all European countries, of masters for wrongs committed by their servants. Trades unions have in recent years largely increased both in numbers and power; Germany and Austria have both recently passed laws for insurance against accidents caused to workmen in trade; the passing of the Workmen's Compensation Act of 1897, has given the subject a special interest to English-speaking people; in German-speaking countries discussion of the principles underlying the liability of masters for the wrongs of their servants is still vigorously carried on, and the new German Code, whilst settling the question for Germany, still leaves the subject of great importance to Austria. France appears to be on the eve of insurance legislation.

The subject will be treated under two main heads, viz. :—

- (1.) Injuries committed by servants to persons not in the same employ as themselves.
- (2.) Injuries committed by servants to fellow-servants, or employers' liability commonly so called.

Under the first head the development of the law in German-speaking countries and countries governed by the Code Civil will be discussed; under the second head a more general view of the position on the Continent will be taken.

A large part of the following essay has already appeared in the *Juridical Review*, and the Author desires to thank the Editor for several valuable suggestions. He also desires to acknowledge his obligations to Dr. Stocquart, of Brussels; Dr. Steinbach, of Vienna; Professor Beaune, of Lyons; and Mr. W. W. Buckland, Fellow of Gonville and Caius College, Cambridge.

DOWNING COLLEGE,
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