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In Diesbach (Glarus) wurde ein Fussgänger von einem Auto überfahren, weil er, nachdem er sich auf der äussersten linken Strassenseite aufgehalten hatte, im letzten Augenblick vor dem hinter ihm fahrenden Wagen die Strasse nach rechts zu queren versuchte, trotzdem er den Lichtkegel der Scheinwerfer bemerkt hatte. Der Automobilist versuchte erst, den Fussgänger durch Ausweichen nach der äussersten Rechten zu vermeiden; als das kopflose Verhalten des Fussgängers den Zusammenstoss doch heraufbeschwor, konnte er so rasch anhalten, dass die Beine des Ueberfahrenen noch unter dem Kühler hervorragten.

Auf die Schadenersatzklage des Verletzten entschied das Zivilgericht Glarus, dass der Autofahrer ein Viertel des eingetretenen Schadens zu verantworten habe, da ihm immerhin ein gewisses Mitverschulden am Unfall treffe. Dieses Mitverschulden bestehe darin, dass er zu rasch gefahren sei, dass er trotz Artikel 42 des Konkordats versucht habe, auf der rechten Seite am Kläger vorbeizukommen und dass er kein Hornsignal abgegeben habe. Das Glarner Obergericht wies dagegen die Klage gänzlich ab und das Bundesgericht (erste zivilrechtliche Abteilung) wies die Berufung des Klägers einstimmig ab, da den Automobilisten keinerlei Verschulden treffe. Die obergerichtliche Feststellung, dass dem Automobilisten keine Ueberschreitung der zulässigen Geschwindigkeit vorzuwerfen sei, wird dadurch erhärtet, dass sich trotz der nassen Strasse keinerlei Schleifspuren wahrnehmen liessen und der Fahrer sofort anhalten konnte. Zur Signalgebung war der Fahrer nicht verpflichtet, da der Fussgänger ja durch den Scheinwerfer gewarnt war und des Nachts keine unnötigen Signale gegeben werden sollen. Endlich bezieht sich die Vorschrift des Linksvorfahrens in Art. 42 Kk. auf das Vorfahren gegenüber andern Fahrzeugen, nicht gegenüber Fussgängern, wo es zu ganz unsinnigen Zuständen führen würde! Der vorliegende Fall wurde als Schulbeispiel eines Unfalles bezeichnet, den der Fussgänger durch fahrlässiges Verhalten allein verursacht hat und der deshalb nicht vom Autofahrer zu verantworten ist.

Nach Artikel 55 des Obligationenrechts haftet der Geschäftsherr für den Schaden, den seine Angestellten oder Arbeiter in Ausübung ihrer dienstlichen oder geschäftlichen Verrichtungen verursacht haben, wenn er nicht nachweist, dass er alle nach den Umständen gebotene Sorgfalt angewendet habe, um einen Schaden zu verhüten, oder dass der Schaden auch bei Anwendung dieser Sorgfalt eingetreten wäre. Diese Vorschrift ist auch anzuwenden auf die Haftung des Autoeigentümers für seinen Chauffeur.

In Caccialanca (Tessin) erfolgte ein Zusammenstoss zwischen einem Auto und einem Radfahrer, weil der Chauffeur des Autos die gefährliche, durch eine Warnungstafel indizierte Stelle ohne Signal und in einem Tempo von 25–30 Kilometern passierte. Der Radfahrer belagte gestützt auf Artikel 55 O.R. auch den im Wagen mitfahrenden Eigentümer des Autos auf Schadenersatz, da er für das Verschulden des Chauffeurs hafte. Der beklagte Wageneigentümer suchte den im Gesetz vorgesehenen Entlastungsbeweis zu erbringen, dass er alle nach den Umständen gebotene Sorgfalt angewendet habe. Das Bundesgericht (erste zivilrechtliche Abteilung) erklärte zunächst, dass den Wageneigentümer kein Verschulden hinsichtlich der Wahl seines Angestellten treffe, da er als des Fahrens unkundiger einen Berufschauffeur angestellt hatte; ebenso könne ihm deswegen nicht mangelnde Instruktion seines Angestellten vorgehalten werden. Was nun die Beaufsichtigung des Angestellten betraf, so hat das Bundesgericht bereits früher festgestellt, dass dem Wageneigentümer ein ständiges Eingreifen in die Lenkung des Wagens nicht zumuten sei, das ebenso angestrenzte Aufmerksamkeit erfordern würde, wie die Leitung des Wagens und zudem erfahrungsgemäss seine Gefahren böte. Dagegen muss auch beim Wageneigentümer die Kenntnis der Konkordatsvorschriften vorausgesetzt werden und es war seine Pflicht, einzuschreiben, wenn sein Chauffeur eine durch Warnungstafel besonders gekennzeichnete Stelle in unzulässig raschem Tempo und ohne Signal durchfuhr. Da er den Chauffeur nicht durch einen Zuruf zurechtwies, hat er die ihm obliegende Sorgfalt als Geschäftsherr nicht beobachtet, so dass er für seinen Chauffeur grundsätzlich haftbar ist. *Nat. Zeitung.*

"Option locale."—L'initiative populaire dont le Conseil national vient de décider de proposer le rejet au peuple est ainsi rédigée:

Il est introduit dans la Constitution fédérale, à la suite de l'article 32 ter actuel, un article nouveau ainsi conçu:

Les cantons et les communes sont autorisés à

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interdire sur leur territoire la fabrication et la vente des boissons distillées.

L'interdiction peut être décidée ou abrogée, soit dans les formes prévues par le droit cantonal, soit, à la demande d'un dixième des électeurs, par votation populaire dans le canton ou la commune.

D'excellentes intentions ont inspiré les auteurs de ce texte: le but qu'ils poursuivent est de lutter — et rien, aujourd'hui, n'est plus important au point de vue social — contre l'abus des boissons distillées. Il ne s'agit d'une prohibition générale ni en étendue ni en profondeur: seuls les cantons ou les communes qui le désireraient prendraient des mesures d'interdiction; donc décentralisation. D'autre part, il ne serait pas touché aux boissons fermentées, vin, bière, cidre. Dire, comme d'aucuns le font, que l'option locale ressemble fort au système prohibitif des Etats-Unis, est absurde: en réalité, les plus "humides" des hommes d'Etat de l'Amérique du Nord estimeraient le projet suisse beaucoup trop "humide." Mais, chez nous, on le trouvera sans doute trop "sec."

L'objection majeure qu'on oppose à l'initiative est le fait qu'elle sera inefficace, car, si la fabrication et la vente des boissons distillées sont interdites dans une commune, la consommation ne l'est pas, et tout amateur de schnaps pourra s'en procurer dans la commune voisine. Mais le véritable mobile qui inspire les adversaires de principe de l'option locale est tout autre: ils craignent, au contraire, que les expériences faites dans certains cantons ou communes soient si probantes que bientôt l'interdiction s'étende au territoire tout entier; ennemis de toute prohibition, ils appréhendent les conséquences d'un succès de l'initiative.

A ce courant négatif s'en ajoute un autre, beaucoup plus puissant: un grand nombre de citoyens, sincèrement désireux de lutter avec énergie contre les ravages de l'alcoolisme, estiment l'initiative de l'option locale malencontreuse, et surtout intempestive: la politique active — au meilleur sens du mot — est l'art de proposer des réformes réalisables. Or, en l'état actuel de l'opinion publique, l'option locale n'a aucune chance de succès, et la présenter au peuple risque d'entraîner, dans sa débâcle, la réforme du régime de l'alcool mûrement préparée par le Conseil fédéral et par des commissions de spécialistes.

Une dure expérience a démontré que les électeurs ont beaucoup de peine à accepter une restriction, même très modeste, au commerce des boissons distillées; il ne faut pas oublier que, le 3 juin 1923, le premier projet Musy a été repoussé par 360,397 voix contre 262,688, et par 12 cantons contre 10. Des efforts considérables ont été faits pour rallier, aux nouvelles propositions du Conseil fédéral, une partie des opposants; les innovations ont été atténuées, la surface vulnérable du projet a été diminuée; tout doit être tenté pour le faire réussir. C'est une oeuvre difficile à accomplir, et, pour la réaliser, il ne faudra pas moins que les efforts concentrés de tous ceux qui comprennent les dangers sociaux de l'abus de l'alcool.

Dans cette situation complexe, délicate, l'initiative de l'option locale apparaît comme singulièrement inopportune; elle galvaniserait toutes les forces des partisans de l'alcool et risquerait de mettre en danger la réforme préparée par le Conseil fédéral.

C'est pourquoi on a tant tardé à la présenter aux suffrages des électeurs, et c'est pourquoi, aussi, beaucoup de ceux qui la trouvent intéressante en elle-même l'abandonneront au jour du scrutin. Personnellement nous voterons oui quand même, mais c'est sur le projet Musy que le grand combat devra être livré.

Après les brefs débats sur l'option locale, le Conseil national a donc présenté un préavis négatif, et l'on peut être certain que le Conseil des Etats adoptera une attitude identique. Quand le peuple sera-t-il appelé à se prononcer? Vraisemblablement au mois de mai prochain, en même temps que sur l'initiative routière. Auparavant aura lieu la grande bataille du blé, qui se terminera le 3 mars. *Journal de Genève.*

NOTES AND GLEANINGS.

Use of the Referendum.

The use of the referendum and the initiative have recently been much criticised in certain Swiss quarters, and there is a movement on foot to curtail the application of these two democratic institutions. The *Belfast Evening Telegraph* (Dec.

18th) deals with this subject from an Irish point of view, as follows:—

"The advantages and disadvantages of the Referendum as applied to test whether proposed legislation meets with the wishes of the people have often been discussed of late. It would appear that the advantages of the system have been over-emphasised on one hand, and on the other its drawbacks have been exaggerated. The extent to which it is employed in Switzerland, the United States, Australia and elsewhere should be sufficient to disprove the assertion that it is incompatible with national progress. It would appear that a rough-and-ready method of consulting the people on matters of importance prevailed in European countries from very early times. Assemblies of the warriors were held, at which questions like that of peace or war were put to those present for decision by assent or negation. In the same way the newly-elected chief or king was presented to the assembly for approval, which was signified by the clashing of shields and weapons. As the territories possessed by tribes or nations increased in size it became impracticable to summon all the fighting men to one spot. Thus the choice of representatives became necessary, and they travelled to some convenient meeting-place where an assemblage of men competent to speak for the country as a whole took place. These were the germs of Parliamentary representation in France, Germany, Spain and elsewhere, as well as in England, though they did not in these lands develop beyond a rudimentary stage. The main point to be remembered is that these delegates, when they gave their assent to a newly-promulgated law or a new form of taxation, were held to represent the views of the whole nation. If doubt arises as to the way in which those views are manifested, we must have recourse to other means. The principle of the Referendum was adopted by the victorious Allies in a number of instances in dealing with the rearrangement of boundaries after the war. The use made of it in determining the fate of Schleswig, of Upper Silesia, and other Prussian dominions will be fresh in the memories of many. Unhappily, the result in Upper Silesia was challenged by force of arms, and a compromise was resorted to. Still, there can be no doubt that this is the only reasonable and logical way of dealing with questions which would otherwise prolong unrest and possibly lead to bloodshed. On the other hand, there are limitations to its profitable employment, and to have recourse to it without due necessity arising is by no means desirable. Except the subject is one which arouses intense interest it is not always easy to obtain a full poll of the electors in a Referendum. Those who do vote are very often strongly opposed to innovations and reluctant to support any sweeping changes. The experience of Australia supports this view. The majority by which the Swiss people, on a Referendum, rejected the Capital Levy some years ago was so large as to occasion general surprise in view of the attitude of the Legislature upon the question. The voting took place on November 3rd, 1922, when 735,894 were against the Capital Levy and only 109,686 in its favour. There being hostile majorities in every canton and in every town. The decision on this occasion showed the prudence and good sense of the Swiss people. At the same time the use of the Referendum to an excessive extent would undoubtedly tend to weaken the authority of Parlia-

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ment; and unless the question to be decided admitted of being clearly and distinctly put, confusion might arise in the minds of the electors. The successful working of the system depends on the standard of education and intelligence among the people; and the wisdom of employing it in countries like India, where the great mass of the people are illiterate, while caste and religion cause sharp divisions among them, would be doubtful. In politically advanced countries like Britain, the United States, or the great Dominions the case is wholly different. The need for the Referendum in the United States is intensified by the practice of electing large numbers of candidates on one "ticket" for particular electoral areas, which is confusing in many cases. Where Proportional Representation has been adopted there is also cause for confusion, and a Referendum on important questions is very desirable, with the object of clearing the air of extraneous issues. Where a simple system of elections prevails the need is less urgently felt; but, on the other hand, since by the operation of the Parliament Act passed in 1911 one House of Parliament is given a disproportionate share in the power of passing legislation, it is by no means surprising that many should be inclined to put forward the Referendum as a corrective to a state of affairs involving no small risk from hasty law-making. If it is not found possible before long to restore to a reformed House of Lords the power of dealing with legislative measures in a more effective way than at present, the question of establishing the Referendum to deal with them will certainly assume greater importance than at present. It is not an urgent one at the moment, but may nevertheless be pushed into prominence by unexpected developments."

Pro Juvenile Stamps.

The *Daily Telegraph* (Dec. 20th) gives the following description of this year's charity stamps:

"The children's stamps have become a popular feature of each year's new stamp issues. Switzerland introduced them in 1913 as a means of raising funds for child welfare work, and a number of other countries have followed since the war.

The stamps in most cases are issued in time for the Christmas and New Year mails, and are extensively used on envelopes and cards of seasonal greetings. In Switzerland alone about ten millions are sold each year, and as each stamp, in addition to its postal franking value, is sold at a supplement of one or two sous, a substantial sum is gathered in for the "Pro Juvenile" Foundation of the Swiss Société d'Utilité Publique.

This year's series inaugurates a new theme, with attractive reproductions in correct heraldic colours of Swiss towns. Hitherto we have had the arms of the cantons. On the 5 + 5 centimes, violet, red and black are the arms of Lausanne; on the 10 + 5c., green, black and red, bears the arms of Winterthur, and on the 20 + 5c., carmine, black and yellow, the arms of St. Gall. The highest value pays tribute to the memory of Jean Henri Dunant, the virtual founder of the Red Cross Society, the centenary of whose birth occurred this year. The stamp, 30 + 10 centimes, blue and red, bears his portrait."

And here is a

Winter Sport query taken from *Punch* (Dec. 19th):

"I have been reading with interest a considerable quantity of free literature descriptive of the delights of wintering in Switzerland. While the information given is both extensive and alluring, details regarding one very important feature appear to be lacking, and it occurs to me that possibly you can set my mind at rest.

Years ago, before the War, the St. Bernard dog was a deservedly popular figure of Alpine romance. A visitor to Switzerland who by some mischance happened to be misled in a snowdrift could in those days confidently rely upon being speedily tracked down by a large woolly dog who, having breathed warmly and invigoratingly upon his face, would proceed to serve him with copious draughts of excellent brandy straight from the wood.

I have been a little perturbed by reports which tend to indicate that in recent years this good work has, by reason of the increased expense entailed, added to a temporary shortage of dogs, been somewhat diminished. I have heard of loud complaints from regular customers who had gone to the trouble and inconvenience of getting lost in a snowdrift only to find that they received no attention; they might, in fact, just as well have been in a tea-shop in their own country.

Perhaps you, who have visited the noted Hospice of St. Bernard, can tell me whether the supply of dogs is now sufficient to justify my venturing among the loftier mountain ranges. One can, of course, carry one's own brandy-flask, but it seems a pity to incur this expense should the local service now be restored to its former highly commendable efficiency. One should, I think, always show an intelligent appreciation of picturesque native customs."

THREE "ALPINE" SPEECHES BY THE SWISS MINISTER.

We have secured the tenor of the speeches which our Minister has lately delivered at the Banquets of three different London Alpine Societies and we are sure they will interest our readers.

III.

The third speech of the series was delivered by our Minister in reply to the toast of "Our Guests" at the Annual Banquet of the Ladies' Alpine Club at the Great Central Hotel, on December 12th.

M. Paravicini said that, whatever may be the merits or demerits, both real and imaginary, of a diplomat accredited to the Court of St. James', the honour to speak at the Ladies' Sporting Club was a rare one. As far as he was concerned, this was a first experience and he could only say that, after what he had heard and learned—and seen—he wished that his job would imply a greater measure of that kind of official activity. (Laughter). Indeed, he could not imagine a more pleasant and, if he might use the expression, more encouraging entertainment, than the hospitality of a Ladies' Society imbued with the enthusiasm for sport. In the case of the Ladies' Alpine Club, that sport was not merely a thing of exercise and skill, such as in a golf or a tennis club; it was a thing of an incomparably higher element, such as utmost determination in the face of risk and supreme courage in the face of danger.

Alpine sport was for Switzerland what hunting was for England. If his country were not such an old Republic, the Swiss would surely call it the Sport of Kings. But Kings had for the last thousand years been too scarce in Switzerland for it to be remembered what their favourite sport was. Anyhow, if he had to give it a symbolic name, that night he would call it the Sport of Queens.

There were still certain people in modern society who adhered to the half-forgotten and pretty well exploded theory of the existence on our planet of a so-called weak sex. Now, the Ladies' Alpine Club was one of the institutions which dealt continually crashing blows to that theory, and that was why such old-fashioned people probably watched the Club's development and achievements with feelings of scorn. But men like himself, who knew that there was nothing left in human activity which any man could do better than any woman, could but be convinced of the real value of this Club's efforts and their result. He was sure that what its members did not know about Alpine climbing was not worth knowing. Nevertheless, being a man, with perhaps some of the qualities but surely with all the vices of his sex (Laughter) he would not miss this splendid opportunity of telling female mountaineers all the wrong and stupid things they do when they climb a mountain (Laughter), had he himself the slightest knowledge either of what he was to say or how he was to say it. For, curiously enough, although he was a diplomat, he was very bad at talking about things he knew nothing about. (Laughter.) As it was, they were spared the ordeal of a lecture, and he himself was spared the opportunity of making a fool of himself in the presence of ladies (Laughter).

Only once previously had he had a chance of getting into touch with lady climbers. That was in the summer before last, when he was taking a rest in the lower Bernese mountains. Strolling over the meadows of his wife's Alpine farm, he met a small company of what looked from afar like mountaineers. They were very smartly dressed and equipped, and might have been either very handsome, strong and healthy undergraduates, or rather delicate looking, middle-sized lady climbers (Laughter). He soon found out that they were neither. He let them pass and he found out—too late—that they were cinema stars on their way "to a picture," to be taken nearby and which was to represent a ladies' ascension of Mount Everest and the heroine's fall into the abyss 20,000 feet below (Laughter). That was his only chance of getting in closer touch with lady climbers—and he missed it! (Laughter). He was therefore enchanted to have this second chance, which had proved to be an exceedingly pleasant experiment. He was delighted to have been selected to present the thanks of all the guests for the reception which had been given to them by the Ladies' Alpine Club and its distinguished President, Miss Osborne, with such perfect hospitality and irresistible charm (Cheers).

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THE SWISS WATCH-MAKING INDUSTRY

The figures for the Swiss trade in watches during the first nine months of this year can be compared with those of the very best years. During these nine months 15½ million timepieces and 3,800 cwt. of separate parts have been forwarded to foreign countries, amounting to a total value of 200 million francs. This result closely resembles that of 1925, which was very favourable on account of the impending rise in import duties in Great Britain. Of the 59 countries mentioned in the customs statistics, 49 had increased their imports! A rare result which does honour to the energy of a first-class company of manufacturers. It should be remembered that but 6 years have passed since the Swiss watch trade experienced an extremely serious crisis. The speed with which this industry has recovered is astonishing.

The United States still remain the most important market for Swiss watches. This country alone has bought two million watches in Switzerland for the lump sum of 28½ million francs. In spite of this fact, however, exports on this market have considerably decreased this year owing partly to customs duties (on motor clocks in particular) and to the presidential elections. With regard to the elections, the authorised papers of the watchmaking industry state that the result of the election of President Hoover will certainly be the stabilisation if not the aggravation of the protectionist policy pursued by the United States for the last ten years. The German market, on the other hand, is opening up for our watches increasingly, in spite of new duties, and shows marked improvement during the whole of the year. This may be looked upon as a sign of the recovery of purchasing power in the whole of Germany and also of the confidence with which our best makes inspire our customers beyond the Rhine. Great Britain follows Germany closely in the importance of its purchases, which have also increased in the course of this year: 2.3 million watches and parts, for 16.7 million francs.

In addition to these three markets, which alone absorb one-third of Swiss production, there has been a very slight advance in Japan, a striking increase in Italian imports, and growing export trade to China, which has again become an interesting market, as well as a renewal of exports to France. In short, the Swiss watch trade has for some months been passing through a period of great activity: the factories are in full working order, workers are in great request, and there is no more talk of unemployment. Even the most famous factories have some difficulty in finding sufficient workers. The two great centres of this trade, La Chaux-de-Fonds and Bienne, are competitors in energy and the spirit of enterprise. The slight decrease in the marking of watch cases in precious metals (it would scarcely be possible constantly to keep up the maximum) will not prevent this year from counting as one of the best in the last twenty years.

In spite of full and busy days, the heads of the watchmaking industry are finding time to organise their profession by degrees. The exportation of rough models and separate parts *chablonnage* has been limited, the immediate result being that various agreements for study have been signed and enforced by the industrial organisations, under the auspices of the Federal Public Economy Department, which has played a very beneficial part in this delicate matter. Thus certain harmful excesses of industrial individualism and of the spirit of competition will be neutralised for the good of seriously organised factories, and, we may add, of seriously-minded importers in all countries.

—S.I.T.

OLD FOLKS' CHRISTMAS LUNCHEON AT THE FOYER SUISSE.

A most remarkable and unique gathering was held on Friday, the 21st December, 1928, at 12-15, Upper Bedford Place, W.C.1, under the Presidency of the Swiss Minister, Monsieur Paravicini, the Hon. President of the Foyer Suisse Trust. The House Committee acted as host to all the old folks and compatriots, and had invited some 60 of the fathers and mothers of the Swiss Colony in London, all over 60 years of age. Unfortunately only 27 people were present, most of the absentees being unable to come on account of ill health. An exquisite five-course luncheon was served by Mr. Meyer and his staff, and was very much enjoyed by everybody. Then came the coffee, fruit and a variety of home-made Swiss Christmas dainties, and the warmth of a true and real Swiss Foyer atmosphere was fully realised. The Swiss Minister expressed this when he rose to address those present with a few cheery words. He thought this gathering offered him "a marvellous indemnity" for his being unable to spend Christmas in the homeland. He also said he made it his duty to keep in touch with everything Swiss in London and found this his first chance to come into close touch with the earlier Swiss generation. He thanked them all for their splendid record and legacy of high esteem left in the country whose hospitality we enjoy so lavishly. With a hearty handshake, Monsieur Paravicini wished everyone health and happiness for the coming Christmas and the New Year. The social hour after the luncheon was cheered in a