

# Canada Law Journal.

VOL. XLVII.

TORONTO, SEPTEMBER.

Nos. 17 & 18.

---

---

## LIABILITY OF A MASTER, APART FROM CONTRACT, FOR TORTIOUS ACTS DONE BY A SERVANT WHILE IN CONTROL OF VEHICLES AND HORSES.

1. Introductory.
2. Liability predicated on the ground of the personal fault of the master.
3. Liability negated on the ground of the servant's want of power to do the act which caused the injury.
4. Injury inflicted on a journey undertaken in the course of the servant's duties, and prosecuted without any deviation.
5. Liability as affected by the servant's deviation from a prescribed route generally.
6. Same subject. Effect of servant's deviation from a prescribed route for his own purposes.
7. Same subject. General remarks as to the conflict of doctrine.
8. Deviation as an element in cases where the servant is not required to follow a definite route.
9. Liability as to acts done by the servant after having accomplished the extraneous purpose of his deviation.
10. Injury inflicted in the course of a journey made exclusively for the servant's own purposes.
11. Injury inflicted on a journey undertaken partly on behalf of the master, and partly for the servant's own purposes.
12. Liability of a master in respect of injuries wilfully inflicted.
13. Liability considered with reference to the element of ownership.
14. Liability as affected by special statutes.

---

1. Introductory.—In the present article it is proposed to review the decisions which bear upon the extent of a master's liability for injuries which persons to whom he does not owe any special duty arising out of contract sustain by reason of the tortious acts of servants employed to perform work by means of, or with reference to, vehicles or riding-horses. The liability of common carriers and other bailees will not be considered.