aggrieved by the misconduct, it has been held that the acceptance of compensation by that party precludes him from afterwards maintaining an action for damages, even though he may not have understood the legal effect of the acceptance, and the compensation is not adequate to the damage done.[1]

It has been held that the Massachusetts enactment (Rev. Stat. ch. 51, § 3) which imposes a penalty upon any person who violates the rules prescribed for the regulation of traffic in highways, and also provides that he shall be liable for all damages sustained by reason of his offence, does not operate so as to preclude the injured party from maintaining a common law action against the master of the tortfeasor.[2]

---

ence that the company furnished the wagon or authorized or even knew of its use.

In *Shelton* v. *Toronto* (1887) 13 Ont. 139, a servant who had been dispatched to procure a wrench for the purpose of shutting off the water from a street hydrant which had burst, had, without the knowledge or consent of defendants, wrongfully taken possession of a horse and buggy belonging to defendants' city commissioner, and therewith ran down the plaintiff. *Held*, that defendants were not liable.

[1] *Wright* v. *London General Omnibus Company* (1877) 46 L.J., Q.B. Div. 429; 25 W.R. 647; 2 L.R., Q.B. Div. 271 (Act of 6 & 7 Vict. ch. 86, § 28). Cockburn, C.J., said: "The argument most relied on for the plaintiff was that he was not a complaining party, and that the compensation was awarded to him contrary to his wishes, and, consequently, the award does not bind him. It is true that the plaintiff did not originally ask for the exercise of the jurisdiction given by the section, but in the course of an inquiry upon a complaint made by other parties, the magistrate expresses his intention of awarding compensation, and asks if £10 will be sufficient. The plaintiff answers that it will not; but, nevertheless, when the magistrate proceeds to award this amount to him, he takes it. It seems to me that by taking the £10 he consented to the exercise of the jurisdiction, and was bound by it."

[2] *Reynolds* v. *Hanrahan* (1868) 100 Mass. 313. The court distinguished the earlier case, *Goodhue* v. *Dix* (1854) 2 Gray, 181, where it had been laid down, in action brought *under the statute* that the master was not liable for the damages specified therein, there being nothing in the facts submitted which shewed that he was in any way implicated in the conduct of his servant.

C. B. LABATT.