

accident resulting therefrom. The lack of fencing or other protection along the road is no defence to an action against them: *Lubier v. Michaud*, 38 Que. S.C. 190.

Where an automobile on the highway is meeting a horse and buggy, and the car is frightening the horse and the motorist sees or ought to see this, it is the legal duty of the motorist to stop his car and take all other precautions as prudence suggests, and this irrespective of any statute regulating and controlling the use of motor vehicles and whether or not the driver of the horse holds up his hand to indicate the trouble with his horse; and the greater the danger capacity of the car the greater is the degree of care and caution incumbent on the motorist in its use and operation: *Campbell v. Pugsley*, (N.B.), 7 D.L.R. 177.

In an action by the plaintiff for personal injury for negligence against the driver of an automobile on meeting a horse and buggy on the highway, and the consequent frightening the horse, it is not contributory negligence by the plaintiff to whip up his horse and pass the motor car on the embankment side of the road, where the evidence shewed that the plaintiff was accustomed to driving horses and that the means he took, by using the whip, to urge his horse ahead and keep it on the road, were reasonable and proper under the circumstances, and that the law of the road in New Brunswick required the plaintiff to pass on the left-hand side, where the embankment was: *Campbell v. Pugsley* (N.B.), 7 D.L.R. 177.

One carefully driving an automobile at slow speed on a highway is not liable, under sec. 29 of the Motor Vehicles Act, B.C. 1911, for injuries sustained by a horse, where it appeared that it became frightened and unmanageable, not at the automobile, but by a steam shovel that was in operation near the road, and ran into the automobile: *Queer v. Greig*, 5 D.L.R. 308.

Although the driver of a horse followed by an automobile is required "as soon as he can go to the right in order to leave a free passage on the left," nevertheless, if he does not leave the automobile sufficient space, and the chauffeur attempts to pass the carriage, he does so at his own risk and is liable in case of collision: *Ménard v. Lussier*, 50 Que. S.C. 416.

Allowing Vehicle to Remain on Highway.—Allowing a vehicle to remain on a street an unlawful length of time, from the time it becomes unlawful to be on the street ("between dusk and dawn" under the Motor Vehicles Act, 2 Geo. V. (Ont.) c. 48 s. 6), renders the owner liable, at common law, for his illegal act: *Bailey v. Findlay*, 7 O.W.N. 24, 159.

The leaving of a wrecked motor car on the side of the road is not necessarily negligence, nor does it amount to an unreasonable user of the highway, entitling the owner of a runaway horse, frightened by the wreck, to damages. Neither is the owner liable by reason that at the time the motor was wrecked it was being driven by an unlicensed driver: *Pederson v. Paterson*, (Man.), 31 D.L.R. 368.

The defendant's servants momentarily left stationary but unattended in a highway a steam motor lorry. In order to start the lorry it was necessary to withdraw a hand-pin from the gear lever, and to move that and two other levers. Two soldiers seeing the lorry mounted it. One tried but failed to set it in motion. The other succeeded in starting it backwards, so