

Injury by a motor vehicle to a person lawfully standing on a place properly reserved for the public cannot be defended on the ground of an "emergency" where the driver was negligent, and failed to keep a watchful lookout: *Elliott v. Fraba*, 10 O.W.N. 41 (C.A.).

An accident resulting from the disorder of a car in the course of operation, which could have been avoided by the exercise of reasonable care, by examining whether the car was in a fit condition to be safely operated before starting out with it, is properly attributable to the negligence of the driver: *Brooks v. Lee*, 7 O.W.N. 219.

Duty When Approaching Horses.—That automobiles are vehicles of great speed and power, whose appearance and puffing noise are frightful to most horses unaccustomed to them, and that from their freedom of motion they are literally much more dangerous than street cars and railroad trains, are elements of danger calling for the utmost care and caution to protect the public in their operation: *Campbell v. Pugsley*, (N.B.), 7 D.L.R. 177.

The provisions (R.S.O. 1914, ch. 207, s. 16) as to distance and speed, when approaching horses on a highway, are of a specific and definite prohibition, and do not rest upon the knowledge or reasonable belief of the operator. Where the prohibition is clear, a *mens rea* is not necessary, even in criminal matters: *Bradshaw v. Conlin*, 40 O.L.R. 494, 39 D.L.R. 86.

Under the Quebec statute (6 Edw. VII. c. 13, s. 24) it is the duty of the driver of a motor vehicle to stop on signal from a person approaching and driving a carriage, although the horse does not at the time of the signal appear to be frightened: *The King v. Hyndman* (Que.), 17 Can. Cr. Cas. 469; *Collector of Revenue v. Auger*, 25 Can. Cr. Cas. 412.

The Motor Vehicles Act (N.B.) 1 Geo. V. ch. 19, s. 3, sub-sec. 4, provides that in case a horse appears "badly frightened" in meeting a motor the motorist shall stop the car. It is a question for the jury to determine upon the evidence, in a negligence action against the motorist, just what may be the condition that should be termed "badly frightened." *Campbell v. Pugsley* (N.B.), 7 D.L.R. 177.

Where horses, rightfully upon the highway, become frightened and unmanageable owing to the approaching motor vehicle, the onus is upon defendant to disprove his negligence: *Ashick v. Hale*, 3 O.W.N. 372, 20 O.W.R. 606.

Where an auto on the highway is liable to meet a horse and buggy, and to frighten the horse because in that locality the auto may still be a strange and startling object to the horse, it is the motorist's duty to know this and increase his care and caution accordingly: *Campbell v. Pugsley* (N.B.), 7 D.L.R. 177.

A driver of an automobile who continues to advance towards horses which, by their actions, indicate that they are frightened by his car, is guilty of negligence, and is liable to the owner of the horses for injuries sustained by him while trying to hold them: *Stewart v. Steele*, 6 D.L.R. 1, 5 S.L.R. 358.

If seeing that a horse encountered on the highway has become frightened, the driver merely stops the automobile, but does not turn off the motor, the noise of which causes the horse's fright to continue, he is guilty of negligence and liable jointly and severally with the owners of the car for an