

in *Venables v. Smith*, 2 Q.B.D. 281, "he was on his way home, though he was going in a somewhat roundabout fashion," in order to satisfy his friends; and the motor was intrusted to his general care: *Sleeth v. Wilson*, 9 C. & P. 607.

The learned Chancellor also expressed the opinion that a liberal reading was, under the force of 7 Edw. VII. c. 2, s. 7, sub-s. 41 (O.), to be given to the "responsibility" clause of 6 Edw. VII. c. 46, s. 7. Verdict sustained.

J. M. Godfrey, for plaintiff, *R. H. Grier*, for defendant.

Riddell, J.—Trial.] SMITH v. BRENNER. [April 28.

Motor-car—Negligence—Frightening horse on highway—Liability of owner for act of servant—Unauthorized detour.

Action for damages on account of injuries received by the alleged negligent use of an automobile owned by the defendant, operated by a chauffeur. The plaintiff and her son were driving in a buggy on a highway when the horse was frightened by an automobile coming at great speed. The horse swerved from the road and dashed the buggy against a tree, causing considerable damage.

RIDDELL, J.:—I am of opinion that there was a clear violation of 6 Edw. VII. c. 46, s. 10, . . . As to the alleged detour, supposing that there was a turning out of the direct route by the chauffeur to get a cigar, I do not think that would render him no longer about his master's business. . . . It is a matter of great regret that such a useful invention as the application of mechanical means to the propulsion of carriages upon the highway should be brought into disrepute too manifestly by the disregard (always silly and often malicious by many of those in charge of such motor carriages) of the comfort and rights of others. Of course the child with a new toy must shew how great a child he is, and how great his toy; but it is to be hoped that if and when the motor like the bicycle, ceases to be a plaything and becomes a business carriage, and the possession of a fine motor ceases to be a mark of distinction, all or at least most of those in charge of such vehicles (for the fool we have always with us) will act as many, to their credit be it said, act now, with a due consideration for others differently and perhaps less fortunately situated.