a coachman, finding that his master's carriage was en-

servation prompted the act as security against a greater personal peril, it became, at the moment, an act of duty, if not of necessity. But the act was made necessary by previous negligence for which the master is liable, and which may properly be regarded as the cause of the injury."

The case of *Michel* v. *Alstree* (1677) 2 Lev. 172, 3 Kel. 650, Ventr. 295, where the plaintiff was injured by a pair of intractable horses which the defendant's servant was training in a city square, may possibly be cited as an authority relevant to the situation specified in the text. But the defendant there seems to have been held liable on the ground of his personal negligence in ordering the servant to take the animals to such a place for the purpose of breaking them in, rather than on the ground of the principle, Respondeat Superior. See the comments of the court in *Parsons* v. *Winchell* (1850) 5 Cust. 592.

In *Barlow* v. *Emmert* (1872) 10 Kan. 358, a declaration which averred in substance that the owners of a stage-coach started the horses at a gallop, and that the driver cracked his whip very loud, and often, at the same "yelling, whooping, screaming, and swearing," and so frightened the plaintiff's team that it ran away, was held to state a good cause of action.

For cases in which the liability of the employé was affirmed, but which did not involve any special point that calls for particular mention. (Unless otherwise stated the injury was one caused by the negligence of the driver of a horse-drawn vehicle). See the following:

Brucker v. *Fromont* (1790) 6 T.R. 659; *North* v. *Smith* (1861) 10 C.B. N.S. 572, 4 L.T.N.S. 407 (groom applied spur to a horse and caused it to kick so as to injure plaintiff); *Springett* v. *Ball* (1865) 4 Fost. & T. 472; *Pike* v. *London Gen. Omnibus Co.* (1891) 8 Times L.R. 164 (doctrine of imputed negligence not a bar to the action); *Perkins* v. *Stead* (1906) 23 Times L.R. 433 (automobile); *Robinson* v. *Huber* (1906) 63 Atl. 873 (rule laid down in charge to jury); *Livingston* v. *Bauchens* (1889) 34 Ill. App. 544 (servant was permitted to use master's horse and carriage in collecting rents); *Dinsmoor* v. *Wolber* (1899) 85 Ill. App. 152; *Brudi* v. *Luhrman* (1901) Ind. App. 59 N.E. 409; *Johnson* v. *Small* (1844) 5 B. Mon. (Ky.) 25; *Ewing* v. *Callahan* (1907 Ky.) 105 S.W. 387, 973; *Shea* v. *Reems* (1884) 36 La Ann. 966 (peddler driving to his employer's store to get goods); *Loyacano* v. *Jurgens* (1896) 50 La. Ann. 441, 23 So. 717; *Costa* v. *Yoachim* (1900) 28 So. 992, 104 La 170; *Parsons* v. *Winchell* (1850) 5 Cush. 592, 52 Am. Dec. 745; *Kimball* v. *Cushman* (1869) 103 Mass. 194, 4 Am. Rep. 528; *Huff* v. *Ford* (1878) 126 Mass. 24, 30 Am. Rep. 645; *Phelps* v. *Wait* (1864) 30 N.Y. 78; *Smith* v. *Consumers' Ice Co.* (1885) 52 N.Y. Super. Ct. 430; *Clarke* v. *Koehler* (1887) 46 Hun., 536; *Stewart* v. *Baruch* (1905) 103 App. Div. 577, 93 N.Y. Supp. 161 (plaintiff run over by automobile); *Pickens* v. *Diecker* (1871) 21 Ohio St. 212, 8 Am. Rep. 55; *Eckert* v. *St. Louis Transfer Co.* (1876) 2 Mo. App. 36; *Rochester* v. *Bull* (1907) 58 S.E. 766, 78 S.C. 249 (plain-