

This doctrine is merely an application of the general principle that a tortious act done in the course of the servant's employment, is none the less imputable to his master because it was done in violation of the master's orders.

6. Same subject. Effect of servant's deviation from a prescribed route for his own purposes.—From the conclusions arrived at, and the language used, in several cases, it seems scarcely possible to draw any other deduction than that the courts by which they were decided were proceeding upon the broad ground that, the master's non-liability should be inferred as a matter of law, whenever it appears that the given deviation was made for the purpose of doing something which had no connection with the servant's duties. In this point of view, the relationship of mas-

business, he will make his master liable." Cited with approval by Bovill, C.J., in *Whatman v. Pearson* (1868) L.R. 3 C.P. 422.

In *Mitchell v. Crassweller* (1853) 13 C.B. 237, Jervis, C.J., observed: "No doubt a master may be liable for injury done by his servant's negligence, where the servant, being about his master's business, makes a small deviation, or even where he so exceeds his duty as to justify his master in at once discharging him."

In *Storey v. Ashton* (1869) L.R. 4 Q.B. 476, Cockburn, C.J., said: "I am very far from saying, if the servant, when going on his master's business took a somewhat longer road, that owing to this deviation he would cease to be in the employment of the master, so as to divest the latter of all liability."

In *Long v. Nute* (1907) 123 Mo. App. 204, 100 S.W. 511, it was laid down that the presumption which is entertained that a person employed for the purpose of operating a vehicle is, while operating it, acting within the scope of his authority about his employer's business, is not changed by the fact that he was making a detour when the injury was inflicted. In that case the accident occurred while a chauffeur was by the order of defendant's wife bringing an automobile from a garage to his house.

The rule in the text has been recognized in *Geraty v. National Ice Co.* (1897) 16 App. Div. 174, 44 N.Y. Supp. 659, (affirmed without opinion in 160 N.Y. 658); *McCarthy v. Timmins* (1901) 178 Mass. 378.

In *Mitchell v. Crassweller* (1853) 13 C.B. 237, 17 Jur., N.S. 716, 22 L.J., C.P. 100, the defendants' carman, having finished the business of the day, returned to their shop in W. Street, with their horse and car, and obtained the key of the stable, which was close at hand; but, instead of going there at once, and putting up the horse, as it was his duty to do, he, without his masters' knowledge or consent, drove a fellow-workman