

The foregoing cases mostly relate to passengers by public carriers, and when the passenger is injured by the negligence of another public carrier, or of a third person.

It only remains to determine if a like rule applies when the plaintiff was passenger in a private conveyance. We think it does. The plaintiff in the case at bar was in no just sense the master, nor was her father her agent or under her control or direction. In *Puterbaugh v. Reasor*, 9 Ohio St. 484, the want of ordinary care of plaintiff's agent prevented his recovery, when the agent's negligence directly contributed to the injury, though the defendant was also guilty. But it is well settled that passengers in a public conveyance are not so liable for the negligence of the employees of the carrier, because they are not the agents of the passenger. The same reasons apply with equal force to a private carrier. Plaintiff's relations to her father being that of a passenger in his wagon, going to their common home, did not, in law, make him her servant or agent, and as such responsible for his misconduct. If he had brought an action for the loss of services of his daughter, caused by this injury, his contributory negligence would defeat a recovery, nor could he recover for his own injuries for the same reason. This is because he was guilty with the defendant of causing the collision. Neither does the fact that she was the daughter defeat her rights. If her father's misconduct or negligence contributed to the injury, why should that fact exonerate a joint wrong-doer? *Robinson v. N. Y. Cent. Rd.*, 66 N. Y. 11, was the case of a female who had accepted an invitation to ride with a gentleman who was the owner and driver of a buggy in which they were riding, when she was injured through the joint negligence of her driver and a train of cars. CHURCH, C. J., says: "I am unable to find any legal principle upon which to impute to plaintiff the negligence of the driver. * * * The acceptance of an invitation to ride creates no more responsibility for the acts of the driver, than the riding in a stage coach, or even a train of cars, providing there was no negligence on account of the character or condition of the driver or the safety of the vehicle, or