

taries on the Law of Corporations, "will be ascribed to any corporation employing labour to incur expenses on account of injuries received by its employees in the line of their employment in the absence of any express statutory grant of such power. This implication rests upon the most obvious grounds of justice and humanity." "The principles of justice and the dictates of humanity, in our judgment, as well as the law," says the Texas Court of Appeals, "in a case where contributory, if not proximate and controlling negligence could be attributed to the injured man," "imposed upon the company the duty to furnish the wounded man medical aid; and the foreman acting for it, in the absence of any higher authority, had the implied power to bind the company for the payment of the services of the physicians whom he had employed." Where, indeed, employees are injured the courts seem generally willing to clothe even subordinate officers and agents with the authority to summon and contract for medical aid, where that aid is immediately necessary. The opinions which so far have refused to extend the doctrine of liability and of implied authority from the railroad cases in which, on account of the well-known dangers of the occupation, it was first asserted, to those connected with other industries, and the few railway cases which themselves deny the liability and the power, can generally be distinguished by the fact that in them liability is sought to be imposed for continuous as well as for immediate and temporary treatment. "In the first case," says the Supreme Court of Kentucky, "the services sued for were not confined to the immediate emergency, but lasted during several months. Appellee in the meantime resided in the same city and only a short distance from where appellant lived, and it would have been very easy for him to have inquired as to the alleged authority of their foreman to act for them. . . . In this case no necessity is shewn why appellee should have selected a physician to treat the injured man during his long confinement, as it does not appear that he lacked friends or relatives, who were both able and willing to do so for him."