MASTER AND SERVANT—DOCTRINE OF RES IPSA LOQUITUR WILL APPLY TO SERVANT USING AN AUTOMATIC AIR HAMMER.

Fergusion v. Fulton Iron Works, 259 S. W. (Mo.) 811.

Plaintiff, an employee of defendant, was engaged in chipping rough metal projections from metal castings with an automatic air hammer containing a chisel. While engaged in working with this apparatus, the hammer vibrated, causing metal castings to fly out, thus injuring the sight of one of plaintiff's eyes. Plaintiff seeks to recover on the doctrine of res ipsa loquitur.

The Court held that this doctrine would apply to this case, as the rule of res ipsa loquitur may be invoked in master and servant cases when the instrumentalities are peculiarly within the knowledge of the master, and when the master is in a much better position to explain the cause of the accident than the injured party.

MUNICIPAL CORPORATIONS—LIABILITY TO CITIZENS THROUGH NEGLIGENCE IN INSTALLATION OF SO-CALLED SAFETY DEVICE.

Mayor and Aldermen of Vicksburg vs. Harralson, 101 So. 713 (Miss. 1924).

Plaintiff seeks recovery for personal injuries received by him on account of a severe "bumping" inflicted in driving an automobile over a "bumper". This device was merely a convex portion of the pavement, five inches in height and five feet wide at its base, and extending across the street on which plaintiff was driving. Its purpose was to warn drivers of a blind intersection just on the other side. The bumper complained of was installed only a few days before the plaintiff's injuries were sustained, and replaced a former one known to have been dangerous. The former one was known to plaintiff, and a sign warning of the traffic at the intersection and of the bumper located at the side of the street, a reasonable distance preceding the bumper.

As a result of driving over the bumper the plaintiff was thrown against the steering wheel of his car in such a way that the impact caused an injury to his heart. He was driving at a moderate speed.

Held, an automobile driver is not required to use extraordinary care but may assume that the street is reasonably safe for vehicular traffic. A city is negligent in placing in its streets a dangerous device or obstruction

which a reasonable driver is not sure to see even through momentary forgetfulness or temporary distraction of attention. This is the case even though the device is so located under the guise of a safety appliance. The defendant's evidence of the use of similar devices by the United States government in National parks was held not conclusive of their reasonableness or practibility at an intersection of city streets. Judgment for plaintiff affirmed.

STREET RAILWAYS—FAILURE TO STOP AND GIVE POLICE PATROL RIGHT OF WAY—ALLEGATION OF NEGLIGENCE IN PETITION.

Hogan vs. Fleming et al., 265 S. W. 875.

This is an action by a police officer for personal injuries. Plaintiff was riding in a patrol wagon, and due to a collision with a street car, was severely injured. The street car failed to stop when the motorman caught sight of the patrol wagon. There was a city ordinance requiring a street car to come to a stop upon the approach of a fire appartus, but did not mention police vehicles.

Held, that as there was a custom that cars should stop upon the approach of patrol wagons, the defendant was guilty of negligence. Defendant claimed that plaintiff did not make out a case in the petition, as no violation of the above custom was alleged. The court held that it was not necessary, due to precedents of common law which gave policemen, firemen and all kinds of public vehicles the right of way over other vehicles and street cars. Judgment for plaintiff.