

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 practicability 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 apparatus, 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.