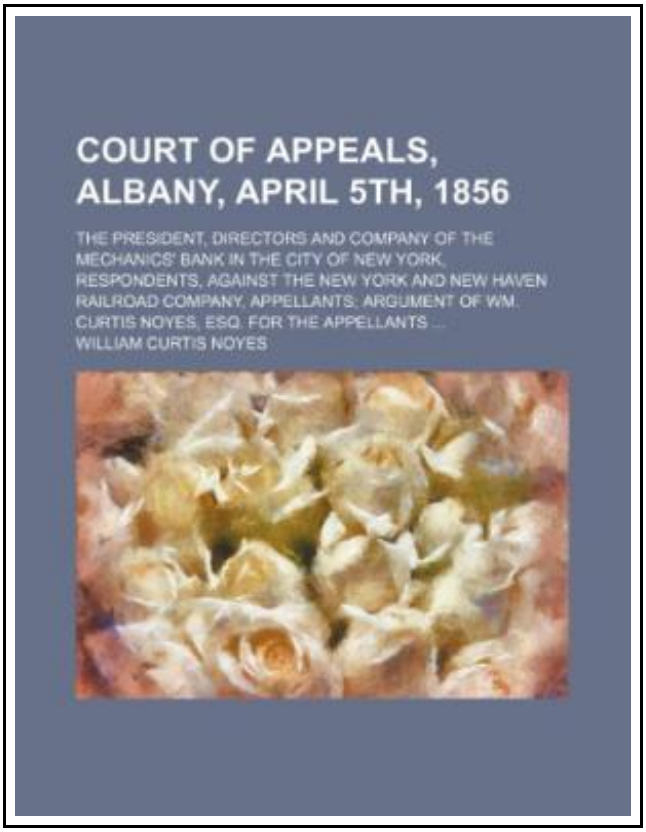
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RareBooksClub. Paperback. Book Condition: New. This item is printed on demand. Paperback. 34 pages. Dimensions: 9.7in. x 7.4in. x 0.1in.This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1856 edition. Excerpt: . . . I also refer to Smith on Master and Servant, p. 159, . and to Mitchell vs. Crosweller (13 Com. B. It. , 237), where Chief Justice Jaevis said, I think, at all events, if the master is liable where the servant has deviated, it must be where the deviation occurs in a journey, or where the servant has originally started on his masters business; in other words, he must be in the employment of his master at the time of committing the grievance. Then Mr. Justice Maule said, The master is liable even though the servant, in the performance of his duty, is guilty of a deviation or failure to perform it in the strictest and most convenient manner. But where the servant, instead of doing that which he is employed to do, does something which he is not employed to do at all, the master cannot be said to do it by his servant, and is therefore not responsible for the negligence of the servant in doing it. The English rule in Admiralty agrees with the common law rule and our own. Dr. Lushington decided, in the case of the Druid (1 W. Kob. , 391), that where the master of tug propelled by steam, entrusted by the owner to tow vessels and collect the compensation, became exasperated because the master of a schooner which he had towed down the river did not pay him, and willfully ran into and injured her, that the...

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