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Editorial Notes

CONTRIBUTORS TO THIS ISSUE

JOSEPH R. BURCHAM, A.B. and LL.B., Washington University, 1928, contributes *A Consideration of the Law Applicable to Life Insurance Agents' Renewal Commissions*. Mr. Burcham is an attorney for the General American Life Insurance Co.

McCUNE GILL, LL.B., Washington University, 1904, who contributes *The Rule against Perpetuities As It Affects Contingent Future Interests in Missouri* is the author of *Real Property in Missouri, Missouri Titles* and numerous articles dealing with Missouri property law.

Notes

MISSOURI AND THE "FAMILY AUTOMOBILE"

The recent trend whereby the family automobile has tended to become a necessity rather than a luxury seems to have elevated it to a place of importance in life second only to the family home, which the law has long so zealously guarded. The prodigious growth in the number of machines together with their increased size, weight and speed has added alarmingly to the ever increasing toll of traffic deaths. Accompanying this remarkable increase in the number of machines has been an even more rapid growth in the number of drivers. Recognizing the continuously rising rate of accidents, due not only to incompetency of the drivers, but to a multitude of other reasons as well, the various state legislatures and municipalities have sought ways and means to remedy an alarming situation. It is not the purpose of this article to consider the devious methods proposed to prevent the injuries arising from such accidents, but rather to consider, from the standpoint of Missouri, legal responsibility for the economic toll which is taken.

There is of course no difficulty in holding the driver owner liable for his torts. The real difficulty lies in the situation whereby the head of the family purchases an automobile and the various members of the family drive it. As a general rule the individual members, other than the head of the family, are themselves financially irresponsible and thus if the head of the family cannot be held liable the injured person is without recompense. It is a well established tort proposition that, nothing else appearing, no one is responsible for the act or omission of another.¹ The increasing complexity of our social, economic, and industrial life, however, resulted in the development of the doctrine "respondeat superior" which makes the principal subject to liability for injuries caused by the tortious conduct of his servant or agent when acting "within the scope of his employment."²

¹ Sherman & Redfield, *Negligence* (6th ed. 1913) s. 144.

² *Funk v. Fulton Iron Works Co.* (1925) 311 Mo. 77, 277 S. W. 566; *Hardeman v. Williams* (1907) 150 Ala. 415, 43 So. 726, 10 L. R. A. (N. S.) 653; *Hall v. Smith* (1824) 2 Bing. 156, 9 E. C. L. 357; As to a test of what is the "course of his employment" see *Garretzen v. Duenckel* (1872) 50 Mo. 104, 11 Am. Rep. 405.