

1914, c. 207, the owner of an automobile is liable for any violation of the provisions of the Act by his chauffeur while using the car for purposes of his own without the knowledge or consent of his employer: *Bernstein v. Lynch*, 13 D.L.R. 134, 28 O.L.R. 435.

The liability of the owner of an automobile, in virtue of art. 1406, R.S.Q. 1909, as amended by 3 Geo. V. (1913), c. 19, merely creates a presumption of fault on the part of the owner or the driver of the vehicle. The owner is not responsible in damages for injuries occasioned in an accident by his automobile, where the driver thereof is not his servant or agent, *e.g.*, where his nephew, a competent chauffeur, has borrowed or has taken the vehicle without his knowledge and was in charge of it at the time of the accident: *Robillard v. Bélanger*, 50 Que. S.C. 260.

A chauffeur who takes his master's automobile out of a garage, in contravention of his master's orders, and proceeds with it to make a call of his own before the time appointed for taking the car out for his master's use, is not to be considered as acting within the course of his employment so as to make the master liable at common law for injuries resulting to another whom he negligently runs down: *Halparin v. Bulling*, 20 D.L.R. 598, 50 Can. S.C.R. 471, affirming 17 D.L.R. 150, 24 Man. L.R. 235, reversing 13 D.L.R. 742.

The owner of an automobile is not liable for the negligence of his brother to whom the car was loaned for the latter's own purposes, although at the time of the accident in question the brother was engaged in driving home the owner's wife at the request of the owner's daughter, it not appearing that the owner was aware that the car was being used for that purpose, nor that the daughter had any authority from the owner to request or direct his brother to use the car for the purpose for which it was actually used: *Lane v. Crandell*, 10 D.L.R. 763, 5 A.L.R. 42, affirming 5 D.L.R. 580.

The father of the driver, being owner of the car and having authorized the use of it, was held liable with the son for damages, both under the statute and at common law, for the negligence of the driver: *Boyd v. Houston* (B.C.), 10 W.W.R. 518.

The owner of an automobile is answerable at common law for its negligent operation by his chauffeur, where, instead of returning the car to the garage where it was kept, as it was his duty to do after having used the vehicle in the business of his employer, the chauffeur while using the car for purposes of his own and driving it in a reckless manner caused the plaintiff to be knocked off a bicycle and injured as a result of the chauffeur's negligent conduct: *Bernstein v. Lynch*, 13 D.L.R. 134, 28 O.L.R. 435.

A chauffeur, having received permission to have his master's motor for a few minutes in order to take something to the house of a fellow servant, at the request of the daughters of the latter, took them for a ride and, on returning with them to their father's house, injured the plaintiff. The jury held that the defendant had not proved that the accident did not arise through the chauffeur's negligence, and, also, that the latter was acting within the general scope of his employment at the time of the accident. *Held*, that having regard to the terms of the statute (6 Edw. VII. (Ont.) c. 46), which cast the onus on the defendant when his motor had occasioned an accident, and make him responsible for any violation of the Act, there was enough