

or driver is to be regarded as the alter ego of the proprietor, and that the owner is liable for the driver's negligence in all cases where the use of the vehicle is with the sanction or permission of the proprietor. In driving the motor he is within the ostensible scope of his employment, and the liability will remain by virtue of the statute, and this even though the driver may be out on an errand of his own."

A consideration of the observations in the above cases, and having in view the exceptional risk which attaches to the use of motor cars, it might be well in the public interest that responsibility for accidents caused by these vehicles should always be affixed to the owner, irrespective of the person driving it, and that the law should be so amended as to make this quite clear.

The next matter of importance is that of contributory negligence on the part of the person injured. It is not likely that any court would give the benefit of any doubt to the defendant in such a case, but would construe it strictly in favour of the plaintiff. This is also the thought of the legislature, as expressed in s. 18, of 6 Edw. VII. c. 46, which provides that in such a case the onus of proof that the accident did not arise through negligence on the part of the motorist shall rest upon him.

As expressed by Lord Alverstone in a recent case: *Troughton v. Manning* (1905) 69 J.P. 297: "It has been more than once noticed that the idea prevails among some motor drivers that once they have sounded the horn they are justified in going at any rate of speed, and that people are bound to get out of their way; whereas the more salutary rule would be as recommended by the Considerate Drivers' League to assume that it is the business of the motorist and not the other man's to avoid danger." The rule must not, of course, be carried too far, but motorists must be made clearly to understand that there is no rule of the road in their favour and that every vehicle, and every person on the road, has as good a right to the use of it as they have. It goes without saying that they must not presume upon their power of inflicting injury or annoyance as giving them any right or privilege whatever. They are just as responsible, and are