relation to the proprietor.[8] An action will in every instance lie against the registered proprietor of the vehicle, although he may have let it to another person, and the latter may have been the immediate employer of the driver. But this is merely an alternative remedy, and the injured party may, if he so desire, proceed against the immediate employer.[9] Nor can one of the members of a partnership which owns the vehicle escape liability on the ground that he has not actually obtained a license authorizing its use for the purpose of plying for hire.[10]

In a case decided by a Divisional Court it was held that a cab proprietor who let only the vehicle for hire, and not the

[8] *King* v. *London Improved Cab Co.* (1889) L.R. 23 Q.B. Div. (C.A.) 281.

[9] *Keen* v. *Henry* (1894) 1 Q.B. (C.A.) 292. There the defendant, the proprietor, had let a cab to his son, who had provided the driver, and also the horses and the harness. Lord Esher, M.R., said: "If the driver had been the servant of the defendant his negligence would at common law have given the plaintiff a right of action against the defendant. It follows that in such a case the Act gives the plaintiff a right of action against the defendant, although the driver is not his servant. This right, however, does not interfere with any right of action which the plaintiff may have at common law against the driver's master in the ordinary sense of the word. If the defendant's son were really the driver's master, the plaintiff could have brought an action against him in respect of the injury. But under the Act he is entitled also to bring an action against the registered proprietor of the cab, and the fact that he can do so in no way militates against his right of action against the defendant's son. The proprietors of hackney carriages cannot by letting their carriages escape from their liability under the statute." Adverting to the difference between the circumstances in the case under review and in *King* v. *London Improved Cab Co.*, *supra*, Kay, L.J., observed that the effect of the decision in the earlier case was that "in the interest of the public, the Act had made it unnecessary to consider the nature of the relation between the proprietor of the cab and the driver, and had rendered the proprietor liable in case, through the negligence of the driver, an injury should be done to one of the public. If that be so, the decision exactly covers the present case."

[10] *Gates* v. *Bill* (1902) 2 K.B. (C.A.) 38, Romer, L.J., said: "I cannot see that there is anything in the Acts which makes it an essential condition of his liability to the public for the negligence of the driver that he should have discharged his duty in the matter of obtaining a license, and have so become a licensed cab proprietor. It would be a strange thing, if a cab proprietor, whose duty it was to obtain a license, could be disregarding that duty, and illegally carrying on his business without a license, escape from the liability to which he would have been subject, if he had performed that duty. In the present case I would rather assume in favour of the defendant that she had not acted improperly in not obtaining a license, and that the true view is that, when the son obtained a license in his own name, he must be taken to have obtained it in that name as the trade name of the partnership for that purpose. But whichever way the case ought to be regarded, I think the defendant is liable in this action."