On the morning of that day, the chauffeur drove the defendant's daughter to some place in the city where she desired to go; and, upon her alighting, instead of taking the car back to the garage in as direct a way as possible, proceeded to the Star newspaper office, in King street west, and from thence down Jordan street to Wellington street, and westerly along the latter street to a point a little west of York street, intending apparently to go to a hotel down town for his dinner.

The plaintiff, who had left his work in a factory on the south side of Wellington street at twelve o'clock, and who used a bicycle in going from his work to his house, rode out of a lane and attempted to cross Wellington street from the south to the north, in a westerly direction towards Simcoe street.

The motor car came into collision with him, knocking him down and injuring him. He brought this action against the defendant, and the case was tried before Denton, County Court Judge, with a jury.

In answer to question 1 submitted to the jury, they found that the driver of the car was acting "within the usual scope of his employment in driving the car when the collision took place;" and, in answer to other questions, that the occasion was "such as to make it reasonably necessary that the horn should be sounded," and that it was not; that the motor car was "being driven recklessly or negligently or at a speed dangerous to the public;" and that the plaintiff's injuries were "occasioned by the negligence or improper conduct of the driver of the motor car," and not by his own negligence. They assessed his damages at $300.

Upon these findings, judgment was entered by the trial Judge for that amount, with costs; and it is from that judgment that this appeal is.

Counsel for the appellant in argument conceded that it could not be successfully contended that there was no evidence to support the findings other than the first; but at best could be contended only that the evidence was contradictory, and the jury had chosen to believe that offered for the plaintiff.

He based the appeal and the request for a reversal of the judgment on the ground that there was no evidence to support the first finding as to the driver "acting within the usual scope of his employment;" and argued, on the contrary, that the evidence was conclusive that he was, without the permission or sanction of the defendant, using the car to go about his own business. He also contended that sec. 19 of the Motor Vehicles Act, 2 Geo. V. ch. 48, should be construed so as to create a lia-