

to submit to the jury the question as to whether or not that relation had been severed."

Under the circumstances of this case we venture to think that the reasoning in the dissenting judgment might well have decided the case in favour of the plaintiff.

There are only, we believe, two cases in our own courts where the user of an automobile on the master's business was discussed. In *Smith v. Brenner*, tried at London, April 28th, in which Mr. Justice Riddell held that the defendant was liable because the driver had violated the ordinary rule of the road in not driving with reasonable attention to the rights of others rightfully upon the highway. He refused to give effect to the contention that the chauffeur was not at the time upon his master's business, and held that a chauffeur turning out of the direct route to procure a cigar did not render him as not being therein about his master's business, citing *Venables v. Smith*, 2 Q.B.D. 279. As to the liability of the owner the learned judge says: "If the owner placed the vehicle in the hands of a chauffeur or lent it to a friend, he is putting it into the power of servant or friend to manage it in a manner which may be dangerous, and he must assure himself of the capacity and prudence of servant and friend at his peril."

*Mattei v. Gillies* was also an Ontario case decided by a Divisional Court (16 O.L.R. 558). There was conflicting evidence as to the facts, but it was held that there was enough evidence to warrant the findings of the jury in the plaintiff's favour. *Venables v. Smith* was also referred to, quoting the language "that the chauffeur was on his way home, though he went in a somewhat roundabout way." The learned Chancellor adds to this sentence the words "in order to gratify his friends." He goes on to say, "The motor was entrusted to his general care. *Sleath v. Wilson* (1839) 9 C. & P. 607. Besides this I am inclined to hold that having regard to the provisions of the Act as to registration of the owner, the carrying of a number for the purpose of identification, and the permit granted on those conditions, as between the owner and the public, the chauffeur