

In an accident caused by an automobile truck, the burden of proof that the loss and damages sustained did not arise through the negligence or improper conduct of the driver of the truck, is upon the owner of the machine.

Action founded on a collision between an automobile truck belonging to defendant and plaintiff's horse and rig. The damages consisting in the loss of the horse, the harness, and of three days of work, amounted to \$300.

The defendant denied responsibility.

The Court decided in facts and in law against the defendant, and granted judgment to plaintiff for \$220, for the following reasons:

"Considering that the burden of proof, that the loss and damage sustained by plaintiff did not arise through the negligence or improper conduct of the driver of the defendant's automobile truck, is upon the said defendant;

"Considering that defendant's driver in charge of said truck negligently attempted to drive said truck through a narrow space in a portion of Jacques Cartier square crowded with market waggons and horses without taking reasonable precautions either to prevent plaintiff's horse being frightened or to avoid an accident;

"Considering that the defendant has not established the necessity, on the occasion of said accident, for the driver to attempt to pass between the market waggons, horses and vehicles on said street;

"Considering that the defendant's driver disregarded the notice and warnings given to him to stop his truck;

"Considering that said accident was caused by the improper and negligent conduct of defendant's driver;

"Considering the defendant has not proved said acci-