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No. 30

APPELLATE DIVISION.

APRIL 2ND, 1913.

*BERNSTEIN v. LYNCH.

Motor Vehicles Act—Collision between Motor Car and Bicycle—Injury to Bicyclist—Negligence—Violation by Driver of Motor Car of sec. 6 of 2 Geo. V. ch. 48—Responsibility of Owner for Act of Driver—Sec. 19 of Act—Findings of Jury—Driver Acting within Scope of Employment—Evidence—Appeal.

Appeal by the defendant from the judgment of DENTON, Jun. Co. C.J., in favour of the plaintiff, upon the findings of a jury, for the recovery of \$300 damages, in an action in the County Court of the County of York, brought against the owner of a motor car for injuries sustained by the plaintiff in a collision between a bicycle upon which he was travelling and the motor car, by reason, as he alleged, of the negligence of the defendant's servant who was driving the car.

The appeal was heard by MULOCK, C.J.Ex., CLUTE, RIDDELL, SUTHERLAND, and LEITCH, JJ.

W. E. Raney, K.C., for the defendant.
John MacGregor, for the plaintiff.

The judgment of the Court was delivered by SUTHERLAND, J.:—The defendant, a resident of Toronto, was on the 29th August, 1912, the owner of a motor car, and had as his chauffeur or driver one Harry Charles, employed by the week, and who was to be on call at the garage where the machine was kept, "from at least ten o'clock in the morning until five in the afternoon."

*To be reported in the Ontario Law Reports.