

While it has been declared that where a parent provides an automobile for the pleasure of his adult child and an injury is caused to another by the negligent operation of the machine while it is being driven by a third person at the direction, and for the pleasure of the child, the owner is not liable, the contrary has been held and seems to be the correct view. Accordingly, where an automobile was kept for the pleasure of the grown daughter of the owner, and an accident occurred while the machine was temporarily being driven by another young lady, with the daughter's permission, the daughter and several of her friend's being in the car at the time, the owner was held liable.

*Adult child.*—In respect of competent adult children, the liability of the parent can be based only upon the relation of master and servant, or, as it is sometimes termed, upon "agency." Liability cannot be cast upon a person merely because he owns a car that causes injury to another, or because he permits his son to drive the car whenever he wishes to do so. Liability arises from the relation of master and servant, and must be determined by the inquiry whether the driving at the time was within the authority of the master, in the execution of his orders, or the doing of his work.

There must be some evidence that a child who is competent to operate an automobile was operating the same by authority of his father, as agent or servant of his father, before the latter can be held liable for his negligence—that the machine was being operated in connection with the father's business, or to carry out some wish or desire or purpose of the father—it may be to furnish pleasure to the child. Such authority may be found in actual presence of the father, in express or implied direction, or in a precedent course of conduct. If the act is within the general scope of authority conferred by the father, or in carrying out the enterprise for which the son has been commissioned, then the father may be liable even though he had no knowledge of the specific conduct in question and it was contrary to his direction. If the act is not done by the son in furtherance of the father's business, but in performance of some independent design of his own, the father is not liable.