was being used without the knowledge or consent of the owner.[5]

not be liable, he was entitled to a nonsuit or a direction in his favour. Fitzgibbon, L.J., says: "No doubt, ownership of the thing which does the mischief often supplies prima facie evidence sufficient to make the owner responsible for the damage. If we refer, for example, to the barge c... omnibus cases, the person in charge was manifestly acting as the servant of someone, and presumably the owner. In such cases it is more frequently a question of the identity of the master, than of the existence of the relation of master and servant between the negligent person and somebody else. Here a runaway pony did the mischief; the pony belonged to Bradlaw; the use of the pony and trap had been given by Bradlaw to McGlynn; and the injury occurred while McGlynn was in charge. But nothing further was proved."

In *Braverman* v. *Hart* (1907) 105 N.Y. Supp. 107, it was held that the owner of an automobile was not liable for an injury caused by the negligence of a person not under his control or direction, to whom he had delivered the machine under an agreement that he was to use it for hire, and pay the purchase price out of the money derived from its use.

In *Shields* v. *Edinburgh & G.R. Co.* (1856) 18 Sc Sess. Cas. 2nd Ser. 1199, the defendant was held not to be liable for injuries inflicted by the defendants' van and horse while they were being driven by the servant of an independent contractor.

[5]In *Lewis* v. *Amorous* (1907) 3 Ga. App. 50, 59 S.E. 338, where the declaration in an action for the death of a child who had been run over by an automobile alleged that the defendant "permitted one, P., to take and run it," a demurrer was held to have been properly sustained. The effect of the deision so far as the substantive rights of the plaintiff were concerned was stated as follows: "The owner or keeper of an automobile will not be held liable for a negligent homicide committed therewith in a public street by a person old enough to be discreet and responsible in the eyes of the law, who took the machine, without the knowledge of the former, from a shop or garage where it had been left, although the person who thus took and drove the machine was inexperienced in its operation and unlicensed to run it, notwithstanding the leaving of the automobile at the shop or garage furnished the opportunity whereby such person got possession of it.

In *Doran* v. *Thomson* (1907) 74 N.J.L. 445, 66 Atl. 897, the court thus discussed the sufficiency of the declaration: "The first and third counts plainly disclose no cause of action. They are apparently based upon the erroneous assumption that, because the defendant loaned his motor vehicle to some one over whom he had no direction or control at the time of the accident, he shall be held liable for the mere loaning. But no such liability rests upon him. . . . These counts contain no allegation that the vehicle was used at the time in the owner's business; nor is there any allegation therein that the vehicle was under the control or management of the defendant, or that the person driving it was under