

of age, who was a law student, and lived at home, to act as chauffeur when the car was used by his father or any other members of the family, it was held that the owner was not liable for injuries caused by the negligent operation of the car by the son when he had taken the car for a pleasure drive accompanied by several of his friends, neither the owner nor any other member of the family, except the son, being in the party. The Court held, that at the time of the accident the car was neither expressly nor constructively in the use or service of the owner, and that in driving the car the son was in no way acting as the agent of the father.

A married woman owned an automobile as her separate property, and with her consent it was used for and by the family in the usual manner of family conveyances, being driven by different members of the family, including her son. On the day in question she was absent from home, but, with her approval, given before her departure, her daughter, a member of the family, gave a luncheon to some of her friends. To assist in the work of the luncheon an extra servant was procured for the day, and, during the evening, it became necessary to convey this servant to a street car that she might return to her home. The son, at the request of the daughter, his sister, then proceeded with the servant to the street car in his mother's automobile, and during the trip negligently ran over and injured a person. The owner knew nothing about this use being made of the machine, but, as she testified, the machine was there to be used for family purposes as the occasion might arise. It was held that the owner of the automobile was liable.

In a jurisdiction holding that where it is shown that the vehicle doing the damage belonged to defendant at the time of the accident, that fact raises the presumption that the vehicle was then in the possession of the owner, and that whoever was driving it was doing so for the owner, it was held that this presumption was not overcome as a matter of law by evidence of mere advice and an expression of preference on the part of a parent, owner of an automobile which injured a pedestrian while being operated by his daughter, some weeks before the accident, that the daughter should not drive the machine.