

gestion that Lozina had not the consent of his co-owner, express or implied, to use the car; nor was the car in the possession of any person other than the owner of it. Why should a co-owner not be liable? He has all the rights of an owner, and why not the liabilities?

Wynne v. Dalby (1913), 30 O.L.R. 67, is no authority for holding that the defendant Raolovich is not included in the term "owner."

The appeal of both defendants should be dismissed with costs.

MEREDITH, C.J.O., in a written judgment, said that he agreed with the judgment of Hodgins, J.A., and the reasons therefor.

He was of opinion, approving the decision of Orde, J., in Gray v. Peterborough Radial R.W. Co. (1920), 47 O.L.R. 540, that sec. 19 of the Act renders the owner liable to an action as well as to the penalties imposed by the Act.

Lozina undoubtedly violated sec. 11; and, if his co-defendant was an owner of the motor vehicle within the meaning of sec. 19, he was responsible for that violation, and therefore responsible to the extent to which Lozina was responsible.

The plaintiff was entitled to treat the injury caused to him by Lozina's negligent act as a wrong done to him; and for that wrong, it being the result of a violation of sec. 11, the other defendant, being the owner of the motor vehicle within the meaning of sec. 19, was responsible.

MAGEE, J.A., in a written judgment, said that, if sec. 19 makes a co-owner liable to individuals, it is only for a violation of the Act which is negligence, and the fair meaning is that the co-owner is liable only where the action is based on negligence, and is not liable to one who has deliberately made a contract, whose rights are based on contract, and who can look to the party with whom he made it.

The appeal of Raolovich should be allowed and the action be dismissed as against him.

The appeal of Lozina should be dismissed.

FERGUSON, J.A., in a written judgment, said that Lozina was not an agent or servant of Raolovich. They were co-owners. One did not need the assent of the other to perfect his right to dominion and control of the automobile. Raolovich was not present when the plaintiff became an occupant of the car, nor was he present when the accident occurred. He had no knowledge of the accident nor of the circumstances leading up to it; and the learned Judge was unable to accept the view that, on the true construction of the