evidence to support the findings; that under the Act the chauffeur is to be regarded as the *alter ego* of the proprietor, as the latter is liable for his negligence in all cases when the use of the vehicle is with permission, though he may be out on an errand of his own: *Mattei* v. *Gillies*, 16 O.L.R. 558.

E. and J. were joint owners of an automobile licensed as a jitney and, at the time of the accident, operated by E. as a "jitney." J. had a chauffeur's license, but there was no evidence of agency or partnership. *Held*, that the facts fell far short of establishing that J. had "entrusted" E. with the automobile within the meaning of the Motor Vehicles Act (B.C.), and that the onus was on the plaintiff in an action for damages sustained while riding in the automobile to shew that J. came within the provisions of sec. 33 of the Act: *Moore* v. *B.C. Electric R. Co.*, 22 B.C.R. 504, affirmed in 35 D.L.R. 771.

The Motor Vehicles Act, 2 Geo. V. c. 48, did not make the owner of a stolen automobile responsible for damages sustained when it collided with another vehicle through the negligence and furious driving of the person who had stolen it a short time previously, if the owner was himself guilty of no negligence in the manner in which he left the automobile and had taken away the spark-plug so that the thief could not have operated the car without supplying a similar spark-plug: *Cillis* v. *Oakley*, 20 D.L.R. 550, 31 O.L.R. 603.

The taking by a servant of a garage keeper, without the owner's consent, of a car stored in the garage for repairs, the servant mistaking it for a demonstration car, raises no such *animus furandi* as to render such taking an act of larceny which will relieve the owner from the liability imposed by sec. 19 of the Motor Vehicles Act, R.S.O. 1914, c. 207: *Downs* v. *Fisher*, 23 D.L.R. 726, 23 O.L.R. 504.

An employee of a repair shop, who takes out a motor vehicle left there for repairs, to test it by driving it upon a highway, and after so testing it continues to drive it for his own pleasure, has not "stolen" it from the owner within the meaning of the Ontario Motor Vehicles Act (R.S.O. 1914, c. 207, s. 19, as amended by 4 Geo. V. c. 36, s. 3); nor does it constitute a "theft" by virtue of sec. 285B of the Criminal Code, as enacted by 9 & 10 Edw. VII. c. 11, which makes it an offence to take a motor vehicle for use without the consent of the owner; also that the person so driving may be regarded as in the "employ" of the owner, who is responsible for his acts: *Hirshman* v. *Beal*, 32 D.L.R. 680, 38 O.L.R. 40, reversing 37 O.L.R. 529.

In the Quebec case of *McCabe* v. *Allan*, 39 Que. S.C. 29, it was held that where the owner of an automobile sends it for repairs to a company, and the latter after doing the work sends out the machine, in the care of one of its own chauffeurs, to test it, and an accident occurs through the fault of the chauffeur, the owner is not liable for the consequences. The fact that his own chauffeur was in the automobile at the time is immaterial.

A conditional vendor, reserving title to the car until fully paid for, may be regarded as the "owner" of the car and subject to the statutory penalties. But he cannot be held for an accident at a time when the car was neither in his control nor in that of his agent: *Cote* v. *Pennock*, 51 Que. S.C. 537. In Ontario it was held that a conditional vendor is not the "owner" of the automobile within the meaning of s. 19 of the Motor Vehicles Act, 2 Geo. V.