

Granting that the others were out on what is called a "joy-ride" also, the people in the taxicab were such that the owners of the taxicab can throw no stones on that account. The two parties were out for a "joy-ride;" you may take it that way; what is called a joy-ride often ending in sorrow for some of those on the ride, and sorrow for the parents and friends of some of the girls who are taken out by these scoundrels in cars and taxis at night for improper purposes beyond any doubt. No one who knows anything of city life can reach any other conclusion. So that you have these two parties out going through the park. Now, as I said, what they were doing there has nothing whatever to do with the matter which you have to decide. What the practices are of taxicab owners and taxicab drivers or of chauffeurs generally is a matter with which you have nothing to do. You have to determine who on that occasion was to blame for the accident, Finmark, with the plaintiff's car, or Allan, with the defendant's car." . . .

Extract from the notes of proceedings at the conclusion of the charge to the jury, but whilst they were still in the box:—

"Mr. MacGregor:—Then I think your Lordship was hardly fair in describing Lawson's relation to this transaction. He said these were acquaintances of my friend.

His Lordship:—What were they but prostitutes? What decent girls would go out with strange men like that?

Mr. MacGregor:—There is no evidence of that, I submit, my Lord. There is no evidence whatever of the relationship between this other man and these girls.

His Lordship:—There is common sense, and common knowledge of what goes on in this city every night.

Mr. MacGregor:—I submit that is going outside of the record.

His Lordship:—Well, I say it has nothing to do with the case. I excluded it from the consideration of the jury."

The issue was not whether the defendant company carried on the business of letting taxicabs for immoral purposes but whether their chauffeur when in charge of one of their taxicabs had by negligence caused the accident. Much of the evidence and observations above set forth was not pertinent to the issue. To intimate to a jury that the defendant com-