

mily and Madame Lafontaine, his mother in law, for a drive in the afternoon, if they so desired, and told him that if he were able to return to St. Eustache by six o'clock, to do so; if not, he would return by the steam cars. Bourget returned to Montreal, took Madame Christin and her children and Madame Lafontaine, and drove them during the afternoon, leaving Madame Christin at her house about a quarter past five or ten minutes past six: he then—he says—realized that was too late to go to St. Eustache for Christin, and he decided to drive to the house of one of his brothers, who lived on the Côte des Neiges Road, and went there and had supper; after supper, somewhere about eight o'clock, he remembered that there was a certain Mr. Charbonneau whom he thought would purchase the car, and he started to go to Charbonneau's place for the purpose of showing him the car, and, if possible, making a sale to him; it was while going to Charbonneau's house that the accident happened; he never reached Charbonneau's place in consequence of the accident.

It should be stated that this man, Bourget, had previously, on more than one occasion, been requested by Christin to drive him and his family in this car, and this Bourget had done. It is also in proof, that Christin, presumably acting for the firm, had agreed with Bourget that if he could sell the car, he would pay him a commission, and he allowed him to use the car for the purpose of selling it, and even allowed him use it as a taxi, to drive people for hire; but always with a view of making a sale of the car.

The defendant was the only member of the firm of "*The Jeffrey Car Sales Company*" known to Bourget; he did not know Craig, the other partner.