

which does not materially affect the wealthy motorist, whether inflicted on himself or his driver. The penalty to the professional driver who is careless, reckless or negligent, whether injury is caused or not, should always be imprisonment, and suspension, if not the withdrawal altogether of his license. To the unprofessional driver, whether owner or not, the penalty should be imprisonment, with possibly the option of a fine in exceptional cases, and a fine of sufficient magnitude to make careless or ignorant driving prove a very costly amusement.

Cases may arise as to whether an automobile can be said to be a "carriage" in the sense that that word is used in certain connections. This modern monster has so many points of difference from those ordinarily included in the word "carriage" that it might well be said to belong to a class by itself. This is illustrated by *Doherty v. Ayer*, 83 N.E. 677; 14 L.R.A. N.S. 816, in which the Massachusetts court held that an automobile is not a carriage within the meaning of the statute requiring towns and cities to keep their highways reasonably safe and convenient for travellers with their horses and carriages, and that the town is not liable for failure to make special provision for the safety of automobiles if its highways are reasonably safe and convenient for travel generally. This decision, of course, presents the rights instead of the liability of the users of motor cars on highways, but has a bearing also on the subject under discussion in this article.

The glory of the common law is that it moulds the rules of law to suit the changing circumstances of social life and business affairs of the community, so that this subject might, if time permitted, be left to the consensus of opinion of strong and wise judges, but unfortunately time does not permit, for lives and limbs are in jeopardy. There might be a danger in attempting to enact that the rules of the common law shall not necessarily be held to apply to the style of vehicular traffic so rapidly taking the place of that under which those rules grew up. These rules arose and developed under a very different condition of things, and it may well be said that some of them would not