

"The whole law of negligence in accident cases," says Lord Sumner, in delivering judgment in the *B.C. Electric Ry. Co. v. Loach* (1916), 1 A.C. 719, 23 D.L.R. 4, "is now very well settled . . . and its application is plain enough. Many persons are apt to think that, in a case of contributory negligence, the injured man deserved to be hurt, but the question is not one of desert, but of the *cause* legally responsible for the injury. The inquiry is a judicial inquiry. It does not always follow the historical method and begin at the beginning. Very often it is more convenient to begin at the end, that is, at the accident, and work back along the line of events which led up to it. The object of the inquiry is to fix upon some wrongdoer the responsibility for the wrongful act which has caused the damage. It is in search not merely of a causal agency, but of the responsible agent. When that has been done, it is not necessary to pursue the matter into its origins; for judicial purposes they are remote."

This view seems to be followed in strong American decisions and is entirely in accord with the trend of decisions in modern negligence law. The Supreme Court of Delaware, in *Lindsay v. Cecchi*, 3 Boyce 133, 35 L.R.A. (N.S.) 699, held that the failure of an automobile driver to have the statutory license will not render him liable for an injury in case of accident, unless such failure had some causal relation to the injury.

Negligence of the municipality in such case would be presumed by the application of the well-known principle of *res ipsa loquitur*. *Kearney v. London, etc., R. Co.* (1871), L.R. 6 Q.B. 759. "The defendants were under common law liability to keep the bridge in safe condition for the public using the highway to pass under it," said the Court. This decision has been followed in the State of New York, in the case of a building falling into the street. "Buildings properly constructed do not fall without adequate cause:" *Mullen v. St. John* (1874), 57 N.Y. 567, 569. See Pollock on Torts, 9th ed., p. 533.

In *Dick v. Vaughan*, 34 D.L.R. 577, 39 O.L.R. 187, a similar action was brought to recover damages because the plaintiff was compelled to travel by another way owing to the insufficient carrying power of the bridge. The action was dismissed because