defendant, the injury must have been caused by the negligence of the defendant only, without the negligence of the plaintiff contributing in any way to the accident. "It is the duty of a person," said Pollock, C.B., in *Williams* v. *Richards*, 3 C. & K., 81, "who is driving over a crossing for foot-passengers at the entrance of a street to drive slowly, cautiously, and carefully; but it is also the duty of a foot-passenger to use due care and caution in going upon such crossing, so as not to get among the carriages and thus receive injury." In an action for injuries sustained through being run over by a vehicle, driven by a servant of the defendant, evidence that he might have seen the plaintiff in time to pull up, if he had not been looking at his horses, owing to the want of a "skid" in going down hill, was held sufficient evidence on the defendant's part; and also that even although there was some negligence on the plaintiff's part in crossing the road, yet the defendant was liable if his servant, by the exercise of reasonable care, could have seen the deceased, and avoided the accident, *Springett* v. *Ball*, 4 F. & F., 472. In cases of this sort, to warrant the judge in leaving the case to the jury, proof of well-defined negligence, and not merely some evidence of negligence on the part of the defendant, must be adduced. Where the evidence given is equally consistent with there having been no negligence on the part of the defendant as with there having been negligence, it is not competent for the judge to leave it to the jury to find either alternative; such evidence must be taken as amounting to no proof of negligence. Thus in *Cotton* v. *Wood*, 29 L.J.C.P., 333, the deceased endeavoured to cross the road, and had crossed the line of direction in which the defendant's omnibus was proceeding, when, alarmed at the approach of some other vehicle, she turned back and endeavoured to regain the pavement on the side from which she had started, and, in so doing, was knocked down by the defendant's horses and killed. The night was dark, and it was snowing fast, but the streets were well lit by gas lamps. The omnibus was proceeding at an ordinary pace and was on its proper side. The driver saw the woman cross the road clear of his omnibus, but at the moment she attempted to re-cross he had turned his head to speak to the conductor, and was not aware of the deceased's danger until too late. Upon the facts a non-suit was entered. Such are the principles on which the courts have acted in cases where injuries have been sustained in consequence of the infringement of the rule, and on which actions are maintainable at common law.

[In Ontario, by R.S.O., c. 195, ss. 1, 2 and 3, persons travelling or being upon a highway in charge of a vehicle, on meeting another vehicle, shall turn out to the right from the centre of the road, allowing to the vehicle or horseman so met one-half of the road; or if vehicle or horseman be overtaken by another travelling at a greater speed, the person so overtaken shall quietly turn to the right and allow said vehicle or horseman to pass, and if the driver is unable to turn out to the right he shall immediately stop, and if necessary for the safety of the other vehicle, and if required so to do, shall assist the person in charge thereof to pass without damage.—ED. C.L.J.]