case upon the same questions, and, in its facts, most like this case, and is judgment of a Divisional Court.

But the main question is whether the plaintiff ought to have been nonsuited, on the ground of contributory negligence.

He should have been if the Danger case was well decided, and, whether it was or not, it was binding, as I have said, and so there should have been a nonsuit. I am quite unable to distinguish this case from that. The few minor differences of fact seem to me to make this case rather stronger than that was, against the plaintiff. In that case, the plaintiff was driving in a covered buggy, under very considerable difficulty of hearing and seeing anything behind him ; in this case the plaintiff was driving on the top of an open coal cart, with no obstruction to his view in any direction, and had but to turn his head to know whether his way was safe or dangerous. In that case the plaintiff had looked back and had seen an approaching car, but so far away —many hundreds of feet—that he thought he could cross before it overtook him, but he did not look when he ought to have looked, just before attempting to cross; in this case the plaintiff looked back several hundreds of feet, and again about one hundred feet, before attempting to cross; but by reason of a turn in the road he could not see an approaching car unless within 800 feet from him at the furthest; beyond that he could know nothing by sight; within it he might fail to observe. In the Danger case the track was a straight line as far as the eye could see; and in that case the plaintiff's attention was distracted by another car approaching in the opposite direction. In this case, the whole line and the whole public street were clear, except for the plaintiff's cart and the car into which he turned; and all there was to distract his attention was some children riding by his leave at the tail of his cart.

I understand the Danger case to decide this, that, under ordinary circumstances, any one attempting to cross an electric street railway, with a knowledge of the constant running of cars upon it, such as is usual in cities and towns, without looking, is negligent. I entirely concur in that view of everyone's duty to himself, and to all whom he may endanger by want of that ordinary care. No reasonable man could, in my judgment, say that, on the facts of this case, there was not great negligence in attempting to cross without looking. Looking meant a mere turn of the head; the man was not going on in the same course; he was on the wrong side of the road in regard to passing other vehicles, and he was about to turn at right angles to his course and immediately upon the car track. This he knew; the change was the result of his own thought, and his own action. He