

recognize without proof, to keep to the right: *Osborne v. Landis* (Alta.) 34 W.L.R. 118.

The driver of a motor car who attempts to pass a vehicle ahead does so at his own risk and peril, and is responsible for any collision that may occur: *Menard v. Lussier*, 32 D.L.R. 539, 50 Que. S.C. 416.

The driver of an automobile is not guilty of contributory negligence where, on approaching another automobile coming towards him on the wrong side of the road and having reasonable ground to believe that there was not ample room for him to pass the approaching vehicle on his right side of the road, turns to his left, though it turned out to be the wrong course to adopt, because a collision resulted, where it appears that the driver's embarrassment was due solely to the action of the approaching automobile in adhering too long to the wrong side of the road without turning to the right of the road seasonably: *Thomas v. Ward*, 11 D.L.R. 231, 7 A.L.R. 79.

A taxicab driver's act in running into an upright post plainly visible, resulting in injury to a passenger, was *prima facie* negligent, where while running at considerable speed he turned quickly to correct a mistake in turning into a wrong street: *Hughes v. Exchange Taxicab and Auto Livery* (Man.), 11 D.L.R. 314.

The driver of an automobile is not relieved from liability for running into the plaintiff by reason of the fact that, in order to avoid striking children who suddenly ran into the street, he was compelled to change the course of his automobile, and in doing so struck the plaintiff who was about to board a street car, where the defendant's own negligence had placed him in a situation where the swerving of the automobile became a necessity: *Oakshott v. Pouell*, 12 D.L.R. 148, 6 A.L.R. 178.

The driver of an automobile who does not remain at rest behind a stationary car, at a distance of not less than 10 feet, as required by a city by-law, and who injures a passenger descending from a car, is liable for the consequences of the accident. On the other hand, a passenger who descends from a car without looking around whether or not the road is clear to cross the street without danger is guilty of a serious fault. In such case the accident is due to common fault: *Erans v. Lalonde*, 47 Que. S.C. 374.

A pedestrian crossing a wide street, who stops in the roadway at a safe place beside the street car track for a street car to pass and then walks back in the direction from which he came without looking for approaching vehicles, is himself guilty of negligence, disentitling him to recover where, in retracing his steps, he walked in front of an automobile proceeding at a moderate rate of speed and was knocked down and injured before the motorist could avoid him: *Todesco v. Maas*, 23 D.L.R. 417, 8 A.L.R. 187.

Driving an automobile contrary to the rule of the road as required by a municipal traffic by-law, particularly the reckless proceeding out from behind a street car in a diagonal course, thereby hiding from view a street car approaching from an opposite direction, constitutes contributory negligence which will preclude recovery for injuries sustained in consequence of a collision with the street car: *Tait v. B.C. Electric Ry.*, 27 D.L.R. 538, 22 B.C.R. 571, from which an appeal was quashed by the Supreme Court of Canada: 32 D.L.R. 378, 54 Can. S.C.R. 70. See also *McGarr v. Carreau*, 46 Que. S.C. 418.