injury which the deceased met with was one that he ought reasonably to have contemplated as a possible result of his entering between the moving cars, his negligence in so entering could not be said to be the proximate cause of his injury, and, therefore, contributory negligence, disentitling the appellant to recover.

That proposition is supported by the case cited, but is not in accordance with our law. . . . When once negligence is established, the question of the deceased's view of the possibilities of his act is immaterial, and to his negligent act all the consequences which are the direct and natural outcome of it are to be attributed, whether the injury is a consequence that was foreseen or not: Halsbury's Laws of England, vol. 21, p. 648.

Thus far I have dealt with the case as if the deceased's act of entering between the moving cars was but a negligent act; and, being of opinion that upon that hypothesis the appellant's case fails, it is unnecessary to consider whether his so entering, in contravention of the rule, and bringing himself into a situation where he had no right to be and the respondent had no right to expect him to be, was not the proximate cause of the accident, as to which see Grand Trunk R.W. Co. v. Birkett (1904), 35 S.C.R. 296.

I would dismiss the appeal with costs.

MACLAREN and HODGINS, JJ.A., agreed.

MAGEE, J.A., agreed in the result.

Appeal dismissed.

APRIL 6TH, 1914.

RAMSAY v. CROOKS.

Contract—Sale of Motor Car—Second-hand Car Taken in Part Payment—Credit of Fixed Amount, to be Increased when Second-hand Car Sold—Refusal of Offer to Buy Car—Evidence — Construction of Agreement — Finding of Trial Judge—Reversal on Appeal.

Appeal by the plaintiff from the judgment of the County Court of the County of Wentworth in favour of the defendant on his counterclaim.