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## NEGLIGENCE-PROXIMATE CAUSE

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NEGLIGENCE—PROXIMATE CAUSE.—Defendant automobile driver, stopping his car between a line of parked motor cars and some street car tracks, opened the door on the left side of the automobile, with the result that the handle bar of plaintiff's bicycle struck the edge of the car door and plaintiff was thrown to the ground and injured. In the supreme court of Wisconsin, in an opinion containing, among other interesting features, model instructions for juries in the trial courts, it was *held* that liability for consequences of negligent acts is *not* limited to probable consequences but may attach to unforeseeable and improbable consequences. *Osborne v. Montgomery* (Wis. 1931) 234 N.W. 372.

About a year ago this Review had occasion to comment upon an interesting and scholarly opinion by Justice Wheeler, in *Mahoney v. Beatman*, 110 Conn. 184; 28 MICH. L. REV. 609. The opinion in the instant case, written by Justice Rosenberry is a worthy "companion-piece" to that of Justice Wheeler. Justice Rosenberry analyzes, clarifies, and applies the best of the modern thought on the subjects of "duty" and "causation." His approach is most significant as indicative of the tendency to forsake old formulae and seek proper bases for these troublesome concepts. The case is particularly interesting when read in the light of earlier Wisconsin cases. It was but a comparatively short time ago when Justice Winslow said, "It is well settled in this state that in order to render a negligent act the proximate cause of an injury, it must appear that the injury was the natural and probable consequence of the negligence or wrongful act, and that it ought to have been foreseen in the light of the attending circumstances." *Jackson v. Wisconsin Telephone Co.*, 88 Wis. 243, 60 N.W. 430.