It was held that if by defendant's act plaintiff had been placed in a position of danger, or which he was justified in believing was dangerous, the defendant would be liable if plaintiff was injured in his attempt to escape if he used such care as a prudent man would use under the circumstances of the case.

We quote from the opinion: "In order to render the railroad company liable for injuries received in an effort to escape an apprehended danger, there must have been a reasonable cause of alarm, occasioned by the negligence or misconduct of the company. If the effort of the passengers to escape resulted from a rash apprehension of danger which did not exist, and the injury which he sustained is to be attributed to rashness and imprudence, he is not entitled to recover. But if, on the other hand, he be placed, through the negligence or unskilful operation of its trains by the railaoad company, in a situation apparently so perilous as to render it prudent for him to leap from the train, whereby he is injured, he will be entitled to recover damages, although he would not have been hurt if he had remained on the train." *Murray* v. *St. Louis & S.F. Ry. Co.*, 18 S.W. Rep. 50.

LIABILITY OF DIRECTORS.—The Supreme Court of Pennsylvania has recently rendered a most important and interesting decision in which the duties and liabilities of directors of banks were considered (*Swenzel* v. *Penn Bank*, Appeal of Warner, January, 1892, 23 Atlantic Reporter, 405). The litigation grew out of the wrecking of the Penn Bank of Pittsburgh, Pennsylvania, in the year 1884. "It is conceded on all sides that the losses and the disastrous failure of the bank were directly traceable to Mr. Riddle, its late president, now deceased. He practically emptied the vaults of the bank in carrying on a gigantic speculation in oil. This was done with the knowledge of the cashier and the co-operation of one or more clerks or subordinates. . . . The question is whether the directors ought to have known of these transactions, and whether their failure to know what the real plunderer was doing was such negligence on their part as to render them liable to the creditors of the bank."

This question the court proceeds to answer in the negative by independent reasoning and on authority. The court quotes some words of the late Sir George Jessel, which, we suppose, may be taken as fairly indicative of the attitude of the English courts:

"One must be very careful in administering the law of joint stock companies, not to press so hard on honest directors as to make them liable for these constructive defaults, the only effect of which would be to deter all men of any property, and perhaps all men who have any character to lose, from becoming directors of companies at all. On the one hand, I think the court should do its utmost to bring fraudulent directors to account; and, on the other hand, should also do its best to allow honest men to act reasonably as directors. Wilful default no doubt includes the case of a neglect to sue, though he might, by suing earlier, have recovered a trust fund; in that case he is made liable for want of due diligence in his trust. But I think directors are not liable on the same principle."