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Flotsam and Jetsam.

THE SMALL BOY'S RIGHT TO CLIMB.

Judges Hough, Ward and Manton, of the Circuit Court of Appeals, were once boys, like other men, but unlike so many of them, they have not forgotten their juvenile propensities. They recall the exasperation with which the average boy contemplates the spikes in the telephone poles, ending abruptly some ten feet above the ground, the fire escape ladders just out of reach, the barbed wire and spikes that a conspiring civilisation employs to keep boys from climbing where they should not.

This is clearly reflected in a decision just handed down, upholding the small boy's right to climb, recognising the impulse as normal and reproving the placing of temptations in his way, without taking every precaution to guard the climber who might otherwise endanger himself. The case was that of little David Fruchter, eight years old, against the New Haven Railroad. The road built a bridge over its tracks in the Bronx, with latticed supports which would tempt a boy to climb, and left them without any safeguards. David climbed to the top girder in pursuit of a pigeon in a nest. In doing so he came into touch with a live wire, which burned his arm so badly it had to be amputated. His father sued the company and an award has just been upheld by the Circuit Court.

How far railroads and others should go in trying to save venturesome children from their own daring is a mooted question. Clearly the Court believes that in this case, at least, the company should have made the structure safer by some kind of obstruction. There is no question, however, that the climbing instinct should be fostered. It leads to many accidents, and some of them serious, but it also leads to caution. The climbing impulse is one of the most valuable of our heritages from the prehistoric days when