

compelled them to use spark consumers, and has made the mere spreading of the fire from a railway track *prima facie* evidence of negligence. These are all as it were, risks attendant to the license and the liability is based on the theory that not merely should a public utility serve the public, but that losses naturally resulting from the use of a privilege should be borne by the licensee. The railroad company is compelled to fence and guard its turntables against child trespassers, because, on account of the inquisitiveness of childhood, there is no other way to avoid the loss of life. Similarly, no matter how much we may preach and how much we may warn, accidents will happen, and the most careful at times will be careless. Crossing accidents will occur. Does not a due regard for human life demand that the bleeding or wounded man be temporarily ministered to by the agency which clearly occasions the loss? The law for the protection of human life and of the careless as well as of the careful, can demand the elevation of railroad tracks and the incidental expenditure of millions of dollars, and this simply because the railroad is inherently dangerous, and otherwise accidents must occur? Can not the law say that the railroad company, where the track is not elevated, shall at least temporarily care for those that are injured? Can not the law say that in cases of accident, such as a sudden sickness upon the highway, or upon a railway train, the nearby physician shall minister even though he may not be absolutely sure of his reward?

Nor should trespassers even be denied some measure of aid and of protection, although it is true that so far the courts have shewn but little sympathy towards such persons and have been slow to conceive of any duty of medical help. Except in the cases of young children, where the trespass is through ignorance and a natural curiosity rather than wantonness, and is often the result of a temptation too great to be borne, there can, indeed, be no reason why the railway company or the manufacturer or the business man should be compelled to bear the loss, any more than the physician himself, or why the former should be compelled to pay, any more than the latter to serve. There is much reason.