

give warning of hidden and unexpected dangers, which was itself judge-made, will sooner or later be extended to that of furnishing the immediate relief which the emergency requires. It is, in short, a species of employers' liability insurance which the morals of the age will not suffer to be withheld. The public will, of course, pay the bill in the increased price of the articles they buy and of transportation, but they will no less insist upon the rule. It is not strictly logical, to be sure, nor it is consistent with the theory of a complete contractual equality between employer and employee to which the American courts have for so long adhered, and in which as a people we like to believe, but it is humane, and the courts are coming more and more to believe that in the matter of personal employment a contractual equality does not in truth exist.

Nor should the rule be necessarily applied to railway companies alone. It should equally be applied to all corporations which use appliances, vehicles, or machinery which are dangerous to human life, and especially to those which for purposes of gain, invite the public upon their premises. It should be applied to private persons who do likewise. The infliction of injury upon another, should bring with it the duty of at least temporary care, whether the entity who inflicts that injury be corporate or personal. If corporate, there is, of course, an added argument for the rule in authority, if not in logic, and the cases are now quite numerous which, irrespective of charter restrictions or authority, justify a greater police control of corporations than of natural persons. The theory, indeed, which underlies these cases, and which is that without the action of the state the corporation could not have been, or have had any rights at all, and that service to society is an implied condition of every charter, is one which the voting public will readily sanction, and it is the steadily voting public who ultimately control our public and social policies.

The expansion of the law in this respect would be no greater than the expansion of our statute law which has compelled railway companies to fence and to elevate their tracks, or which has