

on a moral obligation will not be enforced by the courts. Bishop states that some of the older authorities recognize moral obligation as valid, and says: 'Such a doctrine carried to its legitimate results would release the tribunals from the duty to administer the law of the land, and put in the place of law the varying ideas of morals which the changing incumbents of the Bench might from time to time entertain.' . . . The moral law would obligate an attempt to rescue a person in a perilous position, as a drowning child—but the law of the land does not require it, no matter how little personal risk it might involve, provided that the person who declines to act is not responsible for the peril."

The second case, that of *Depue v. Flateau et al.*, was tried in Minnesota. The plaintiff was a cattle buyer. He called at the farm of the defendants at about five o'clock in the evening of a very cold January day to inspect some cattle he understood they had for sale. It was dark when he arrived and he was unable to inspect the animals and he therefore requested permission to remain overnight. This request was refused, but the defendant Flateau, Sr., invited him to remain for supper. Soon thereafter he was taken violently ill and fell to the floor. From this point his memory was not clear as to what occurred, but he recalled that he again requested permission to remain at the defendants' home over night and that his request was refused. Defendants then assisted him from the house and into his cutter and started him on his journey home, seven miles away. He was found next morning, about three-quarters of a mile from defendants' house nearly frozen to death, having been again attacked by his ailment and having fallen from his cutter. He subsequently brought an action against defendants for damages, claiming that, "in view of his physical condition, which was known to defendants, they were guilty of negligence in sending him out unattended on a cold night to make his way to his home as best he could." This theory the court sustained. It held that "since the plaintiff was not a trespasser upon the premises of defendants, but was there by express invitation, the defendants