on the highway from using his senses to detect the approach of trains. He has no right to interpret his absence as an assurance of safety.

Remarks.—Another feature of the *Ernst* decision is here disapproved.

Salter v. *Utica, etc., Railroad Co.*, 59 N. Y, 631.—Held, that where the severity of the weather requires a traveller upon the highway to protect himself from it, as for example by ear laps and tippet, if the means adopted impair his ability to detect danger, and he be injured at a railroad crossing, he is not absolved from the charge of negligence; but unless it is certain that the means used had that effect, it is a question for the jury.

Thurber v. *Harlem, etc., Co.*, 60 N. Y. 326.—A boy 9 years old, with two other lads, on his way to school, attempted to cross a horse railway, and was injured by a car. The other two passed safely, and he passed one horse and was hurt by the other. Held, a case for the jury.

The court held that the degree of care required from an infant of tender years, the omission of which constitutes negligence, is entirely different from that required of an adult. It is to be measured in each case by the maturity and capacity of the individual, the law exacting a degree of care proportionate to that. An error of judgment does not condemn the act as rash, or even negligent. It is for the jury to say whether a person of ordinary prudence and discretion might not, under the circumstances, have formed and acted under the same judgment.

Carr v. *N. Y. Cent. Co.*, 60 N. Y. 633.—The evidence showed due care on the plaintiff's part in looking in one direction and waiting till a train had passed; whether he exercised due diligence in looking the other way, was doubtful; yet it was held a proper case for the jury.

Ponlin v. *Broadway, etc., Co.*, 61 N. Y. 621.—Plaintiff was leaving a street car, and as she put one foot to the ground, her hoop-skirt caught on a projecting nail in the platform; the conductor started the car at this instant, and she was thrown down and injured. Held, that she was not, as matter of law, negligent in wearing a hoop-skirt; that it was not, as matter of law, unnecessary; and that a lady, thus attired, is not, as matter of law, bound to be extra careful in managing *her* "train."

CURRENT EVENTS.

UNITED STATES.

Damages Against a City for Icy Sidewalks.—In *Dooley* v. *City of Meriden*, 44 Conn. 117, the action was brought against a city for injury received by slipping on an icy sidewalk, which the city had neglected to keep free from ice. For about thirty-five feet along the sidewalk in question there was ice upon the sidewalk, and had been for about a week before the injury complained of happened. The sidewalks on each side of this one were free from ice, but no attempt had been made to clear this one, although after the ice was formed the weather was so mild that this could have been done by the most easy methods. The court held that the city was liable for the injury. In *McLaughlin* v. *City of Corry*, 77 Penn. St. 109; 18 Am. Rep. 432, it is held that while a municipality cannot prevent the general slipperiness of its streets, caused by snow and ice during the winter, it can prevent accumulations of snow and ice in the shape of ridges and hills. It is, therefore, liable for personal injury from such accumulations, happening to one without fault of his own, and if the obstruction is one of such long continuance as to be generally observable, the city would be charged with constructive notice thereof. In *Collins* v. *City of Council Bluffs*, 32 Iowa, 324; 7 Am. Rep. 200, the plaintiff was injured while passing along a street in the defendant city by a fall, caused by an accumulation of snow and ice on the sidewalk, and it was held that defendant was liable. See the elaborate note to the last-mentioned case in 7 Am. Rep. 206, where the various authorities are collected and compared. The leading case upon the subject is *Providence* v. *Clapp*, 17 How. (U. S.) 161. Here it was held that it is the duty of a city under a statute requiring it to keep its highways safe and convenient, after a fall of snow, to use ordinary care and diligence to restore the sidewalk to a reasonably safe and convenient state.

The Gift of a Check.—In *Simmons* v. *Cincinnati Savings Society*, 31 Ohio St. 457, the mother of plaintiff, who was lying sick at plaintiff's house, desired to give plaintiff about three hundred dollars which she had on deposit with defendant. To effect this object, she