

Supreme Court, speaking through Metcalfe, J., denied that evidence that another person under like circumstances had recently suffered a similar accident was admissible. Coming from so distinguished a source, this ruling naturally influenced subsequent development, and, together with the case of *Temperance Hall Assn. v. Giles* (1869) 33 N.J.L. 260, explains a long line of similar decisions. *Aldrich v. Pelham* (Mass. 1854) 1 Gray 510; *Parker v. Publishing Co.* (1879) 69 Me. 173, and cases cited. Either that the introduction of collateral events results in confusion of issues, or that the probative value is disproportionate to the incident expense of time, is the usual ratio decidendi. *Phillips v. Willow* (1887) 70 Wis. 6. If the two fundamental exclusionary principles, which have been indicated, are heeded, such consequences will rarely, if ever, be involved. It is far preferable to submit the proffered evidence to these preliminary tests than to adopt an invariable rule of exclusion which is not only illogical, but unnecessary. The theory of *Collins v. Dorchester*, supra, reached its high water mark in *Martinez v. Planel* (1869) 36 Cal. 578. The attack on its underlying fallacies, beginning with *Darling v. Westmoreland* (1872) 52 N.H. 401, culminated in the New York leading case of *Quinlan v. Utica* (1877) 11 Hun. 217, affirmed 74 N.Y. 603. These cases squarely hold that in any investigation, legal or scientific, a knowledge of the nature of the place or object involved is essential and that to properly ascertain this, the test of experience must necessarily be employed. This has since been repeatedly recognized as a specific ground for admitting evidence of previous accidents, *Fordham v. Gouverneur* (1899) 160 N.Y. 541; *Taylorville v. Stafford* (1902) 196 Ill. 288, though in many rulings the identical evidence, in the light of surrounding circumstances, has been likewise held competent to indicate notice to the person charged with responsibility. *Stair v. Kane* (1907) 156 Fed. 100. Thus, prior accidents on a defective pavement may be admissible, not only to shew that the common cause of the respective injuries possesses certain dangerous characteristics, but also to charge the municipal authorities with notice thereof, *District of Columbia v.*