

Then Vest sat down. He had spoken in a low voice, without a gesture. He made no reference to the evidence or the merits of the case. When he finished, judge and jury were wiping their eyes. The jury filed out but soon entered with a verdict of \$500 for the plaintiff, whose dog was shot; and it was said that some of the jurors wanted to hang the defendant.—*Nashville American*.

### **Verdict for Death Caused by Automobile.**

On May 22nd Frank E. Thies recovered a verdict of \$3,125 against Edward R. Thomas in the Supreme Court, in a suit for \$25,000 damages for the death of his son, seven years old, who, in February last, was run over and fatally injured by Mr. Thomas's automobile. This is the first case of the kind that has been decided in New York, and the charge of the presiding justice to the jury has attracted considerable attention as defining the statutes regarding the liability for personal injuries in such cases. In the course of it he said: Being or playing upon a street is not of itself contributory negligence in such a child. If the automobile in question came upon the deceased under circumstances to produce fright or terror, and such fright or terror caused an error of judgment by which the boy ran in front of the automobile, the error was not contributory negligence. The mere rate of speed, whether high or low, lawful or unlawful, is immaterial, unless it entered into the cause of the accident. An automobile has the same duties to perform when meeting pedestrians or vehicles in the streets that other vehicles are subjected to. No owner or operator is exempt from liability by simply showing that at the time of the accident he did not run at a rate of speed exceeding the limit allowed by the law or the ordinances. On the contrary, no matter how great the rate of speed permitted by the latter, he still remains bound to anticipate that he may meet persons at any point in a public street, and he must keep a proper outlook for them and keep his machine under such control as will enable him to avoid a collision with another person, also using proper care and caution. If necessary, he must slow up and even stop. No blowing of a horn or whistle nor the ringing of a bell or gong, without an attempt to lower speed, is sufficient if the circumstances at a given point demand that the speed be slackened or the machine stopped, and such a course is practicable. On the other hand, every such operator of an automobile has the right to assume that every person he meets will also exercise ordinary care and caution according to the circumstances, and will not negligently or recklessly expose himself to danger.—*Boston Medical and Surgical Journal*.