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*HUMANITY AND THE LAW.*

The subject of negligence is so prominent in these days of rapid transit and reckless disregard of life, that any intelligent discussion of the subject is always welcome.

Our esteemed contemporary, the *Central Law Journal*, publishes an excellent article under the above title, which will be read with much interest. It is written by Mr. Bruce, of Grand Forks, N.D., who has just been appointed a justice of the Supreme Court of that State. He writes as follows:—

Is human kindness a duty in the eyes of the law? Are we our brothers' keepers? Are the ethics of Christianity a part of the law of the land? Does social progress require the legal sanction and protection of the altruistic and of the humane? To what extent should the public policy of the courts (for it is a judicial conception of a public policy which is behind almost all tort liability), recognize and keep abreast of our higher impulses and conceptions and express in the mandates of the law the concepts of a Christian civilization?

These questions have recently been presented in the three cases of *Union Pacific Railway Co. v. Cappier*, 66 Kan. 649, 69 L.R.A. 513; *Depue v. Plateau, et al.*, 111 N.W. 1, (Minn.); and *Cincinnati and N.O. and T.P. R. Co. v. Marr's Administratrix*, 70 L.R.A. 291 (Ky.); and should be squarely met and settled. The first of the cases arose in the State of Kansas. A trespasser on a railway right of way was struck by a moving car, without fault on the part of the railroad company, and was left by the side of the track in a mutilated and bleeding condition, without any attempt being made to bind up his wounds or to check the flow of blood. Death ensued as the joint result of the injury and of the exposure. In reversing a judgment for the mother of the deceased, the court, among other things, said:

"These facts bring us to a consideration of the legal duty of these employees toward the injured man after his condition became known. Counsel for the defendant quote the language found in Beach on Contributory Negligence, as follows: 'Under