

The Canada Law Journal.

VOL. XXVII.

SEPTEMBER 16, 1891.

No. 14.

IT is of great importance that the rule of contributory negligence, founded as it is on reason and common sense, should not be hampered by artificial interpretations, and it is for this reason that we note with satisfaction the recent decision, in Ohio, of *Penn. Co. v. Langdorff* (26 Week. Law Bull. 29), following and affirming in broad terms other similar but more restricted decisions in other States of the Union. In the case in question a little girl wandered on to a railroad crossing in view of an approaching train. The child's nurse, who was conversing with the defendant near by, called to the child, and while it was returning in answer to the call it tripped and fell upon the track. The defendant, seeing the train rapidly approaching and the danger of the child, sprang to its rescue and, seizing it, rushed forward, but he was not clear of the track before the train struck him, producing injuries for which he claimed compensation. The Court held "the act of the defendant in error was not only lawful, but it was highly commendable; nor was he in any legal sense responsible for the emergency that called for such prompt decision and rapid execution," and adopted the language of their Court of Appeals in a similar case (*Eckert v. Railroad Co.*, 43 N.Y. 502), that "the law has so high a regard for human life that it will not impute negligence to an effort to preserve it, unless made under circumstances constituting rashness in the judgment of prudent persons"; and it concludes by saying that under such circumstances "it would be unreasonable to require a deliberate judgment from one in a position to afford relief. To require one so situated to stop and weigh the danger to himself of an attempt to rescue another, and compare it with that overhanging the person to be rescued, would be in effect to deny the right of rescue altogether if the danger was imminent." The ruling seems to us to be in accord with the principles of both justice and common sense.

THE VALUES OF HUMAN LIMBS, CHIEFLY WELSH.

Much of the time of courts and juries nowadays is taken up in considering and deciding the pecuniary compensation to be given for injuries to, and losses of, various parts and members of the human form divine owned by men, women, or children; and great is the diversity of decisions. One gets as much for a little finger as another does for a whole leg; a third persuades a sympathetic jury that his great toe is of greater worth than number four's nose. Notwithstanding *interest reipublica ut sit finis litium* there is no finality, no golden rule, fixed and immovable; so that a poor practitioner, when consulted, can never say with any