

Essay on palsgraf v. long island railroad co

Law, Criminal Justice



A man carrying a small package in his hands ran into the railway station. He was unsteady and almost fell when he attempted to board a moving train. Two of the railway station's guards rushed to help him. The plaintiff, Palsgraf, was on the other side of the rail waiting for a train. Railway guards were able to prevent the man from falling but his package, whose contents they were not aware, fell on the rail. The package contained fireworks which exploded upon touching the rail lines. As a result of the explosion, scales caused injuries to the plaintiff. There was nothing in the package that would have indicated its contents. However, the plaintiff sued the railway company for negligence. The trial court and the first appellate court found the defendants liable. These two courts were of the opinion that the defendant's railway guards had been negligent in the way they handled the man with the fireworks at the railway station, which caused injury to the plaintiff. The defendant was not satisfied with the ruling and appealed to the New York's highest state court.

Sitting on the bench, the Chief Justice argued that indeed the actions of the defendant's railway guards were negligent. However, their actions were only negligent towards the man carrying the package and not the plaintiff who stood far away from the incident. He argued that the actions of the guards in relation to the plaintiff were not negligent at all. He reasoned that the plaintiff must be able to demonstrate to the court a violation of her own rights and not someone else's. The wrong must have been committed by the guards towards her.

He argued that a person seeking the protection of the law must demonstrate to the court damage to his person. If the actions of the guards were not

intentionally then he must show possibilities of injury and apparent to entitle him to a claim against the harm occasioned to him by the negligent acts of the defendant. The duty is owed to the person himself and not to another.

As a result, the plaintiff's case was dismissed by the court. The court was not convinced that the railway guards had been negligent towards her. It argued that they had been negligent towards the man carrying fireworks.

Furthermore, the injury suffered by the plaintiff was not foreseeable.

However, had the plaintiff been the person who had carried the fireworks, the court was of the opinion that a different result would have been reached.

As a result of this case, foreseeability became a cardinal element in the test for a proximate cause. In determining the proximate cause, in line with the doctrine of judicial precedents, courts must take into consideration whether the actions of the defendant were foreseeable.

It is vital to note that there is a nuance between the position adopted by the New York state court and existing international jurisprudence. Indeed, despite the fact that proximate cause is recognized internationally, its application differs from country to country. In fact in France and other civil law jurisdictions they use the term 'adequate cause', which requires that the incident be both irresistible and unforeseeable. In England the term 'nearest cause' is preferred. The courts will hold the defendant liable if the plaintiff can prove that the incident was nearest in time and space. A universal consensus of the principle would facilitate coherent arguments of the principle while at the same undermining the rights of the parties and the sovereignty of the nations.

Reference

Cross, F. B. (2007). *West's Legal Environment of Business: Text and Cases: Ethical, Regulatory, International, and E-commerce Issues*. New York: Cengage Learning.