

Westlaw.

162 N.E. 99
248 N.Y. 339, 162 N.E. 99
(Cite as: 248 N.Y. 339, 162 N.E. 99)

CITATIONS



PARTIES

Court of Appeals of New York.
PALSGRAF
v.
LONG ISLAND R. CO. [FN*]

FN* Reargument denied 164 N. E. 564.

DATE [May 29, 1928.

WEST SUMMARY

Action by Helen Palsgraf against the Long Island Railroad Company. Judgment entered on the verdict of a jury in favor of the plaintiff was affirmed by the Appellate Division by a divided court (222 App. Div. 166, 225 N. Y. S. 412), and defendant appeals.

Reversed, and complaint dismissed.

Andrews, Crane, and O'Brien, JJ., dissenting.

West Headnotes

Action **1**
13k1 Most Cited Cases
The question of liability is always anterior to the question of the measure of the consequences that go with the liability.

Carriers **283(2)**
70k283(2) k.

Where railway company's guard pushed passenger boarding car, and package covered by newspaper and containing fireworks fell on rails and exploded, and shock of explosion threw down scales at the other end of platform many feet away, and scale struck plaintiff, plaintiff could not recover for injury sustained, since no negligence was shown in relation to plaintiff, and to recover plaintiff must show wrong to herself and not merely a wrong to some one else.

Carriers **286(1)**
70k286(1) k.

A would-be passenger as she stands upon the platform of a station waiting for a train may claim to be protected against intentional invasion of her bodily security or against unintentional invasion by conduct involving in the thought of reasonable men an

unreasonable hazard that such invasion would ensue.

Negligence **230**
272k230 Most Cited Cases
(Formerly 272k1)

"Negligence" is the absence of care according to the circumstances.

Negligence **210**
272k210 Most Cited Cases
(Formerly 272k2)

In every instance before negligence can be predicated of a given act, back of the act must be sought and found a duty to the individual complaining, the observance of which would have averted or avoided the injury.

Negligence **213**
272k213 Most Cited Cases
(Formerly 272k210, 272k2)

The risk reasonably to be perceived defines the duty to be obeyed, and risk imports relation.

Negligence **461**
272k461 Most Cited Cases
(Formerly 272k103)

Negligence is not actionable unless it involves invasion of legally protected interest or the violation of a right.

Negligence **1693**
272k1693 Most Cited Cases
(Formerly 272k136(14))

The range of reasonable apprehension is at times a question for the court, and at times, if varying inferences are possible, a question for the jury.

****99 *339** Appeal from Supreme Court, Appellate Division, Second department.

***340** William McNamara and Joseph F. Keany, both of New York City, for appellant.

Mathew W. Wood, of New York City, for respondent.

CARDOZO, C. J. - **JUDGE**

Plaintiff was standing on a platform of defendant's railroad after buying a ticket to go to Rockaway Beach. A train stopped at the station, bound for another place. Two men ran forward to catch it. One

ATTORNEYS
START of OPINION

WEST HEAD-NOTES, KEY NUMBERS & TOPICS