Torts—Contribution Negligence—Duty to Stop, Look and Listen.—The Supreme Court of Appeals in a recent case, has corrected a false impression of the rule in West Virginia regarding the care to be exercised by a traveler before attempting to cross a railroad track. The misunderstanding arose from the language used in the syllabus in the case of Cline v. McAdoo, which is as follows: "As many times decided, it is the duty of a traveler on a public highway, on approaching a railroad crossing, to stop, look and listen, without which, if injured, he will be guilty of contributory negligence." This statement has led at least one trial court into error and has resulted in West Virginia being classed with Pennsylvania, in a widely read text-book, as holding that the duty to stop, look and listen is absolute.

In the case of Bonar v. Baltimore & Ohio R. Co., plaintiff's automobile, while crossing the tracks, was struck by defendant's engine. The defense was contributory negligence. It appeared