

ANIMALS' RIGHT TO WARNING.

They Are Entitled to Have the Locomotive Whistle Sounded.

From The Chicago Inter Ocean.

The old dispute as to whether animals can be said to "reason" has been given practical importance by a recent decision of the Iowa Supreme Court. Graybill brought suit against the Chicago, Milwaukee and St. Paul Railway for killing stock at a crossing. It was shown that the engineer had failed to warn the animals by whistling. The railway company contended that the whistle signal required by law was intended only for the protection of human beings. The Court, however, instructed the jury that animals were also entitled to such warning, and a verdict was returned for the plaintiff.

"This provision," said Judge Thornell, in the lower court, "is for the safety of persons and animals near the crossing and about to cross, to warn them of the approach of the train, and to enable them to avoid injury." The railway company excepted to this instruction, and appealed to the Supreme Court. The Supreme Court sustained the instruction, and in an opinion by Justice Sherwin held that animals have sufficient reasoning power to enable them to recognize the approach of danger and take measures to avoid it.

The rule of evidence thus established is evidently detrimental to the railways, for it requires them to be as careful in warning animals of the approach of their trains as they have been in warning men. It makes failure to give the statutory warning because no human being now in danger no longer excusable. The Iowa attorney for the railway has filed an elaborate argument for rehearing, in which he denies that animals possess the faculties ascribed to them. He admits that they may be frightened by a locomotive whistle. He denies the possibility of conveying by such means information which the animals can turn to account for their own safety.

No careful observer of the conduct of animals will agree with the railway company's contention. No one honored with the friendship of an intelligent dog doubts that the dog fears punishment, seeks reward, and is sensitive to praise or ridicule. That animals recognize at least proximate causes of pleasant or unpleasant effects seems pretty well established. They know when, though not often why, their masters are pleased or displeased. They learn the consequences to themselves of such pleasure or displeasure. That they learn by experience to avoid danger is unquestioned. That they may be moved by sounds or gestures to recoil from a danger of whose nature they are ignorant is tolerably clear.

There seems to be no reason why animals habitually near a railway may not learn that a locomotive whistle means danger. If they can so learn, they are certainly entitled to the protection given by such information. Until their inability so to learn is established they are at least entitled to the benefit of the doubt. The Iowa Supreme Court's ruling will be approved by every friend of animals. The ground it takes is that toward which science is steadily moving.

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