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Palsgraf v. Long Island Railroad Co.

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"Palsgraf" redirects here. It is not to be confused with [Pfalzgraf](#).

Palsgraf v. Long Island Railroad Co., 248 N.Y. 339, 162 [N.E.](#) 99 (N.Y. 1928), was a decision by the [New York Court of Appeals](#), the highest state court in [New York](#), written by Chief Judge [Benjamin Cardozo](#), a leading figure in the development of American [common law](#) and later a [Supreme Court](#) justice. Palsgraf is a landmark decision in [tort](#) law that helped establish the concept of [proximate cause](#), a limitation of [negligence](#) with respect to scope of [liability](#).

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Facts[[edit](#)]

The events in this case took place at the [East New York Long Island Rail Road](#) station on Atlantic Avenue.^[1] A [passenger](#) carrying a package, while hurrying to catch and board a moving LIRR [train](#), appeared to two of the [railroad](#)'s (the [appellant](#), originally [defendant](#)) employees to be falling. The employees were guards, one of whom was located on the car, the other of whom was located on the platform. The guard on the car attempted to pull the passenger into the car and the guard on the platform attempted to push him into the car from behind.

The guards' efforts to aid the passenger caused the passenger to drop the package he was holding onto the rails. Unbeknownst to the guards, the package, which was approximately 15 inches long and wrapped in newspaper, contained [fireworks](#), and the package exploded when it hit the rails. The shock reportedly knocked down [scales](#) at the other end of the [platform](#) (although later accounts suggest that a panicking bystander may have upset the scale), which injured Mrs. Helen Palsgraf (the [respondent](#), originally [plaintiff](#)).

Palsgraf sued the railroad, claiming her injury resulted from [negligent](#) acts of the employee. The trial court and the intermediate appeals court found for Palsgraf by verdict from a jury, and Long Island Rail Road appealed the judgment.

Judgment^{[\[edit\]](#)}

The Court of Appeals (the highest court in New York) reversed and dismissed Palsgraf's complaint, deciding that the relationship of the guard's action to Palsgraf's injury was too indirect to make him liable. Mrs. Palsgraf was also ordered, as a matter of routine practice at the time, to pay the railroad's legal expenses, estimated at \$350^[2] (about a year's pay for an average worker at the time, but about three times her annual income); however, the railroad never attempted to collect the payment.

Cardozo, writing for three other judges, wrote that there was no way that the guard could have known that the package wrapped in newspaper was dangerous, and that pushing the passenger would

thereby cause an explosion. The court wrote that "there was nothing in the situation to suggest to the most cautious mind that the parcel wrapped in newspaper would spread wreckage through the station. If the guard had thrown it down knowingly and willfully, he would not have threatened the plaintiff's safety, so far as appearances could warn him." Without any perception that one's actions could harm someone, there could be no duty towards that person, and therefore no negligence for which to impose liability. (Duty is a matter of law to be decided by a judge; therefore, a finding that there was no duty was sufficient to overturn the jury's verdict that the defendant was liable; however the case can be, and often is, read to establish that the guard did not breach a duty established by the heightened duty of care owed by a common carrier.)

The court also stated that whether the guard had acted negligently to the passenger he pushed was irrelevant for her claim, because the only negligence that a person can sue for is a wrongful act that violates their own rights. Palsgraf could not sue the guard for pushing the other passenger because that act did not violate a duty to her, as is required for liability under a negligence theory. It is not enough for a plaintiff to merely claim an injury. "If the harm was not willful, he must show that the act as to him had possibilities of danger so many and apparent as to entitle him to be protected against the doing of it though the harm was unintended."

This concept of *foreseeability* in tort law tends to limit liability to the consequences of an act that could reasonably be foreseen rather than every single consequence that follows. Otherwise, liability could be unlimited in scope, as causes never truly cease having effects far removed in time and space (comp. [the Butterfly Effect](#)).

Because of the vague nature of Palsgraf's sole injury, some legal scholars have suggested that Cardozo reversed the jury's verdict to erase a fraudulent claim.^[1]

Dissenting opinion[\[edit\]](#)

The three-judge dissent, written by Judge [Andrews](#) and joined by Judges Frederick Crane and John F. O'Brien, by contrast, saw the case as a matter of [proximate cause](#)—Palsgraf's injury could be immediately traced to the wrong committed by the guard, and the fact of the wrong and the fact of the injury should be enough to find negligence (unlike duty, proximate cause is a matter of fact to be determined by a jury; therefore, the dissent would have upheld the jury's verdict for the plaintiff).

The dissent took note of recent expansions in New York state tort law, that allowed children to sue for the [wrongful death](#) of a parent, and spouses for [loss of consortium](#), arguing that these expansions were based on the fact of injury beyond the foreseen injury of the deceased, and on the needs of [public policy](#). "What we do mean by the word 'proximate' is, that because of convenience, of public policy, of a rough sense of justice, the law arbitrarily declines to trace a series of events beyond a certain point. This is not logic. It is practical politics." *Palsgraf v. Long Island R.R. Co.*, 248 N.Y. 339, 352, 162 N.E. 99, 103 (1928)

Legal significance[\[edit\]](#)

Palsgraf is standard reading for first-year tort students in many, if not most American [law schools](#).^[3]

The Palsgraf case established foreseeability as the test for proximate cause.

Popular culture[\[edit\]](#)

The American author [William Gaddis](#) credited his reading of the *Palsgraf* case with helping to inspire his novel *A Frolic of His Own*.^[4]

References[\[edit\]](#)

- [^] [a](#) [b](#)

Manz, William (2005). *The Palsgraf Case*. New York: LexisNexis. ISBN 0-8205-6372-2.

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3. [^]

Epstein, Richard (2008). *Cases and Materials on Torts* (9th ed.). New York: Aspen Publishers. pp. 519–527. *ISBN 0-7355-6923-1*.

4. [^] Annotations to *Frolic* at williamgaddis.org.

External links^{[edit](#)}

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