



1934

## Stop, Look and Listen Modified

North Dakota Law Review Associate Editors

Follow this and additional works at: <https://commons.und.edu/ndlr>

[How does access to this work benefit you? Let us know!](#)

---

### Recommended Citation

North Dakota Law Review Associate Editors (1934) "Stop, Look and Listen Modified," *North Dakota Law Review*: Vol. 10: No. 6, Article 4.

Available at: <https://commons.und.edu/ndlr/vol10/iss6/4>

This Note is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact [und.common@library.und.edu](mailto:und.common@library.und.edu).

amounting to \$400. The original note was retained by the Bank, marked "collateral." The new note was given in 1929. Defendant invoked the statute of limitations. HELD: Payment by one of two or more joint makers does not of itself suspend the running of the statute of limitations. This was an agreement between the payee and the makers, and between the makers, that the note could be renewed without notice to the other maker. There was no agreement that extraneous parties (administrators) could extend the time of payment or renew. An accommodation maker is a co-maker, liable as principal, and mere extensions of time of payment do not release him. The extension of time, however, does not carry the note past the period of the statute of limitations. Defendant not having signed any extension agreement, or renewed the note, directly or through his co-maker, the defense of the statute of limitations is good.

---

#### "STOP, LOOK AND LISTEN" MODIFIED

*Pokora vs. Wabash Ry. Co.*, 54 *Sup. Ct. Rep.* 580 (U. S.), apparently, is a modification of the "stop, look and listen" doctrine as related to accidents at railroad crossings. Proceeding over a street grade crossing, where defendant had four tracks, plaintiff looked and listened for approaching trains, but did not get out of his truck cab. His view being obstructed by a string of box cars, he did not see an approaching train. Justice Cardozo, writing the opinion, said: "It was his (plaintiff's) duty to look along the track from his seat, if looking would avail to warn him of the danger. This does not mean, however, that if vision was cut off by obstacles, there was negligence in going on, any more than there would have been in trusting to his ears if vision had been cut off by the darkness of the night. . . A jury, but not the court, might say that with faculties thus limited he should have found some other means of assuring himself of safety before venturing to cross. . . In default of the guide of customary conduct, what is suitable may not wisely or fairly be subjected to tests or regulations that are fitting for the common-place or normal. In default of the guide of customary conduct, what is suitable for the traveler caught in a mesh where the ordinary safeguards fail him is for the judgment of a jury. . . The opinion in *Goodman's case* (*B. & O. vs. Goodman*, 275 U. S. 66), has been a source of confusion in the federal courts to the extent that it imposes a standard for application by the judge, and has had only wavering support in the courts of the state. We limit it accordingly."

---

#### BELIEVE IT OR NOT

In this, our fourth year of Depression, America's inventory discloses 76,000,000 life insurance policies and savings accounts, totaling \$92,000,000,000, one-third of the railway mileage of the world, 73% of the automobiles, 58% of the telephones, 32% of the coal produced, 62% of the petroleum pumped, 35% of the copper mined, 34% of the pig iron and 37% of the steel produced, 52% of the world's corn and 62% of its cotton, more public schools per population, more institutions of higher learning, more libraries, more hospitals, more free clinics, more asylums, more institutions for the defective, more newspapers, more periodicals, more books, more and better music, more theatres, more movies, more radios, more electric appliances, more homes, more things to make life livable than any other corner of the globe, and yet more heated minds to make us lose faith in ourselves and our institu-