



Commentaries on the law of negligence in all relations Volume 4; (including a complete revision of the author's previous works on the same subject)

Seymour Dwight Thompson

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This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1904 Excerpt: ...not see what was being done by those engaged in throwing ties over the side of the car, in consequence of which he was hurt by one of the ties, provided such tie was not thrown with the regularity with which the work had theretofore proceeded.19 § 4539. Loading a Car in which an Express Guard Travels.--The duty to furnish a safe place to work, which an express company owes to a servant employed to ride in one of its cars as a guard, extends only to the construction and equipment of the car; the loading of express-matter by the express messenger in a dangerous manner is not a breach of this duty, being within the scope of his ordinary duties as a servant, and in regard to which he and the guard are fellow servants.50 § 4540. Running Down Workmen Engaged in Unloading Cars.--A railroad company is bound to use reasonable care not to run down any of a gang of workmen who, to its knowledge, are engaged in unloading cars for an elevator company in a public place (on a public wharf), where they were left by the railroad company for the consignee of freight contained therein.21 In another case, the railroad u *Claybaugh v. Kansas City &c. R. Co.*, 56 Mo. App.-630. Where plaintiff was Injured while he and three other employes of the defendant railway company were attempting to load a heavy timber on a car under the direction of a "boss," and there was no evidence that the defendant knew, or ought to have known, that the timber was too heavy to be loaded by them, or that they would attempt to load it, and plaintiff himself testified that he thought they could do it safely, the defendant cannot be considered negligent, and a nonsuit should have been granted: *Bryan v. Southern R. Co.*, 128 N. C. 387; s. c. 38 S. E. Rep. 914. Another court holds that...

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Kerry Giles:

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