



# **Commentaries on the Law of Negligence in All Relations; Including a Complete Revision of the Author's Previous Works on the Same Subject**

## **Volume 1**

*Seymour Dwight Thompson*

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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1901 edition. Excerpt: ...must show that the act of the contractor was that of a trespasser, and not within the scope of his contract." Contrary to this, and opposed to sound principle, is a holding to the effect that a railroad company can not be held liable for injuries resulting to an adjoining property owner from the negligent performance by a third person of his contract to burn the brush growing upon its right of way, when such burning, if carefully done, would have caused no injury." In line with this, another court has held that where an independent contractor, engaged in cutting wood for a railroad company, owns his own cooking car, and it is placed by the company on a spur track to enable the carpenter to do his work conveniently, and a fire is communicated from it, causing damage to a third person, the railroad company is not liable." \_ § 657. When Proprietor under the Duty of Supervising the Work.--It has been well laid down, that if the building of a house is split up into several different contracts, and the owner undertakes to 1 lid. supply the materials, and no provision is made for the supervision of the work, or for maintaining guards, the duty of protecting the public remains on the owner." § 658. Proprietor Responsible where he Interfere: with the Work, &c.%If the proprietor interferes with the work of the contractor, and directs a particular thing to be done, from which injury results, obviously he will be liable, for it is his own personal act." The rule laid down by the New York Court of Appeals on this point was understood by Bosworth, J., to be this: "If an owner modifies in any respect his contract with those contracting to erect a building, so that in doing any particular act they are...

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