



Commentaries on the law of negligence in all relations; (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. 1914 Excerpt: ...164, 93 Pac. 213; Shaw v. Hazel-Atlas Glass Co., 70 W. Va. 676, 74 S. E. 910; Hynes v. Holt Lumber Co., 147 Wis. 172, 132 N. W. 889. A master is not relieved from the duty to instruct an inexperienced servant as to risks which are not natural and ordinary incidents to the conducting of the business by the fact that such servant has notice of peril ordinarily incident to the employment: Brown v. Sharp-Houser Cont. Co., 159 Cal. 89, 112 Pac. 874. "Clark v. Tulare Lake Dredging Co., 14 Cal. App. 414, 112 Pac. 564. Reaves v. Anniston Knitting Mills, 154 Ala. 565, 45 So. 702. Arkadelphia Lumber Co. v. Henderson, 84 Ark. 382, 105 S. W. 882; Range v. Helmbacher Forge &c. Mill Co., 161 111. App. 211; Mericle v. Acme Cement Plaster Co. (Iowa), 136 N. W. 916; Fulwider v. Trenton &c. Power Co., 216 Mo. 582, 116 S. W. 508: Gregory v. Chicago &c. R. Co., 42 Mont. 551, 113 Pac. 1123; Stolarz v. Algonquin Co., 77 N. J. L. 147, 71 Atl. 57; Rahles v. J. Thompson &c. Mfg. Co., 137 Wis. 506, 118 N. W. 350, 23 L. R. A. (N. S.) 296. M Lantry-Sharpe Cont. Co. v. McCracken (Tex. Civ. App.), 134 S. W. 363. the work.⁶⁰ The duty of instruction or warning is a positive duty, and may not be delegated so as to absolve the master from liability for failure to give the instruction or warning.¹ The rule does not excuse the servant, whether minor or adult, from the exercise of reasonable care for his own safety.² The master is not required to presume that an illiterate person is not possessed of common sense.⁶³ And, generally, it is not required of a master that he warn an inexperienced servant of the possible dangers in the performance of his duties where experience and instructions are not necessary to enable him to do his work with safety.⁶⁴ § 4102. Duty ...

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