



**Commentaries on the law of negligence in all relations Volume 5; (including a complete revision of the author's previous works on the same subject)**

*Seymour Dwight Thompson*

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...remove; but, in order to charge it with liability in consequence of neglecting to do so, the character of the object should be such as to make the danger obvious and the duty of the corporation clear.<sup>4</sup> It is the duty of city officers to notify owners of teams standing in the street, of any impending operations, such as flooding the street, etc., which are calculated to for an injury caused by a mortar-box In a highway frightening a horse, where it was conclusively proved that the horse was gentle and was frightened by the box, it was held not error to refuse to add the words "of ordinary gentleness" to an instruction that such mortar-box constituted a defect in the highway, if it was naturally calculated or reasonably calculated to frighten horses: *Bloor v. Delafield*, 69 Wis. 273; s. c. 34 N. W. Rep. 115. 2*Sullivan Co. v. Sisson*, 2 Ind. App. 311; s. c. 28 N. E. Rep. 374 distinguishing and explaining *Fulton Co. v. Rickel*. 106 Ind. 501. 'Post, § 6112, m 31. 4 *Dimock v. Suffield*, 30 Conn. 129; *Ayer v. Norwich*, 39 Conn. 376; *Card v. Ellsworth*. 65 Me. 547; *Nichols v. Athens*, 66 Me. 402; *Beardslee v. Columbia Twp. (Pa.)*, 5 Lack. Leg. N. 290. frighten horses. If one of such owners is deaf, and the notifying officer knows it, extra care should be taken in notifying him.<sup>8</sup> § 6076. Contrary Doctrine in Massachusetts.--A contrary doctrine obtains in Massachusetts.<sup>8</sup> There, a statute requiring towns to keep their ways safe and convenient for travellers does not extend so far as to oblige the overseers of highways to remove objects from the limits of the highway calculated to frighten horses, but which are not otherwise defects therein,<sup>7</sup>--as, a large vehicle used as a daguerrean saloon,<sup>8</sup> or a dead horse,<sup>0</sup> or a pile of gravel,<sup>18</sup> or a bright stone,<sup>11</sup> or ...

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