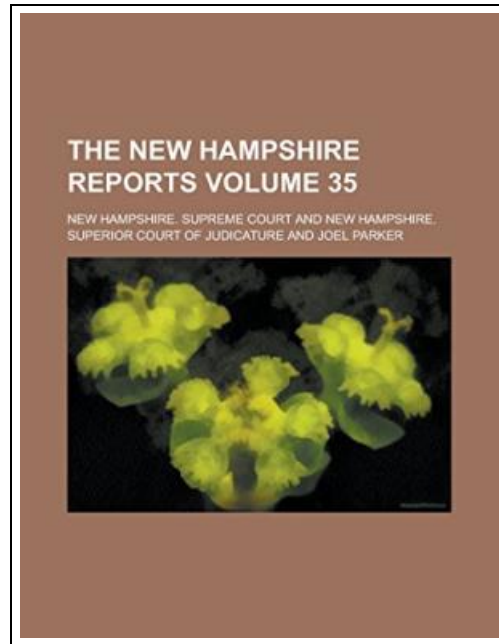


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(Josie Koch IV)

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Rarebooksclub.com, United States, 2013. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.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. 1858 edition. Excerpt: .If the town had widened the traveled path so as to hold out to the traveler that all parts were equally suitable for public travel, they would be answerable for damages growing out of defects in any part of it. Goodrich v. Colchester, 18 L. R. 468; Cobb v. Standish, 14 Me. 200. The case cannot be different, if they suffer the same thing to be done by others. If they did not design to be held responsible for the part of the bridge thus constructed by the railroad, they were bound to place some monument or railing, indicating the limit of the way for public travel. The charge of the court in vol. xxxv. 21 this particular was in accordance with the decision in Elliot v. Concord. The duties of the town were not changed by the fact that the railroad crossed it at the place in question. They are, in the first instance, responsible to the sufferer who sustains damage by the defect in the road, though caused by the construction of the railroad; Bacon v. Boston, 3 Cush. 179; except where the defect in the highway is the necessary result of the building of the railroad, and which, therefore, the town could not rightfully alter, and which the town could not obviate. In that case neither the town nor the railroad would be responsible, and the party is without remedy. Jones v. Waltham, 4 Cush. 299. The case of Cogswell v....



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