



# Cyclopedia of the law of private corporations

## Volume 5

*William Meade Fletcher*

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## **Cyclopedia of the law of private corporations Volume 5** William Meade Fletcher

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. 1918 Excerpt: ... the law laid at their doorstep, they have disagreed.<sup>64</sup> In *Duncan v. Findlater*, an action lie interests. On the contrary, if we allow it to stand, we cannot doubt that its influence will be salutary. It will be an impressive lesson to these defendants, and to the managers of other lines of public travel, of the risk they incur when they retain in their service servants known to be reckless, ill-mannered, and unfit for their places. And it will encourage those who may suffer insult and violence at the hands of such servants, not to retaliate or attempt to become their own avengers, as is too often done, but trust to the law and to the courts of justice for the redress of their grievances. It will say to them, be patient and law-abiding, and your redress shall surely come, and in such measure as will not add insult to your previous injury." <sup>59</sup> One need only refer to §§ 33613363, *infra*, to be convinced that the courts are in wide disagreement as to whether a charitable corporation can ever be held liable in tort, on what grounds liability is to be denied or recognized, and, there being recognition of a limited or qualified liability, as to the particular cases in which liability attaches; and, further, that each viewpoint is supported by reasoning which to the court holding it seems impeccable. <sup>80</sup> As to what are charitable corporations, see §§ 100, 124, *supra*. 816 Cl. & F. 894. 88 12 Cl. & F. 507. 83 11 H. L. Cas. 686, L. R. 1 H, L. 93. <sup>64</sup> On the subject of the interrelation of these cases, the Missouri Court of Appeals has said (*Adams v. University Hospital*, 122 Mo. App. 675, 99 8. W. 453): "In the course of their opinions in *Feoffees of Heriot's Hospital v. Ross*, the judges refer as authority to the case of *Duncan v. Fin...*

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