

MR. JUSTICE FIELD, with whom concurred MR. JUSTICE BRADLEY, dissenting.

I dissent from the judgment in this case. I do not think the District of Columbia should be held responsible for the neglect and omissions of officers whom it has no power to select or control.

MR. JUSTICE SWAYNE and MR. JUSTICE STRONG dissented.

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#### MAXWELL v. DISTRICT OF COLUMBIA.

ERROR to the Supreme Court of the District of Columbia.

*Mr. F. P. B. Sands* and *Mr. James Hoban* for the plaintiff in error. *Mr. E. L. Stanton, contra.*

MR. JUSTICE HUNT delivered the opinion of the court.

This is an action to recover damages for injuries sustained by the plaintiff on the first day of March, 1872, in consequence of the unsafe condition and negligent management of the streets of the District of Columbia. The court below ruled that the District was not liable, and directed a verdict for the defendant.

The case is controlled by that of *Barnes v. District of Columbia, supra*, p. 540.

*The judgment is reversed, and a new trial ordered.*

MR. JUSTICE SWAYNE, MR. JUSTICE FIELD, MR. JUSTICE STRONG, and MR. JUSTICE BRADLEY, dissented.

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#### DANT v. DISTRICT OF COLUMBIA.

ERROR to the Supreme Court of the District of Columbia.

*Mr. Reginald Fendall* for the plaintiff in error; and *Mr. E. L. Stanton, contra.*

MR. JUSTICE HUNT delivered the opinion of the court.

This is an action to recover damages sustained by the plaintiff on the 14th of November, 1871, in consequence of the un-