

**Duty.** A human action which is exactly conformable to the laws which require us to obey them. Legal or moral obligation. Obligatory conduct or service. Mandatory obligation to perform. Huey v. King, 220 Tenn. 189, 415 S.W.2d 136. See also **Obligation**.

A thing due; that which is due from a person; that which a person owes to another. (An obligation) to do a thing. A word of more extensive signification than "debt," although both are expressed by the same Latin word "*debitum*." Sometimes, however, the term is used synonymously with debt.

Those obligations of performance, care, or observance (which rest upon a person in an official or fiduciary capacity) as the duty of an executor, trustee, manager, etc.

In negligence cases term may be defined as obligation, to which law will give recognition and effect, to conform to particular standard of conduct toward another. Rasmussen v. Prudential Ins. Co., 277 Minn. 266, 152 N.W.2d 359, 362. The word "duty" is used throughout the Restatement of Torts to denote the fact that the actor is required to conduct himself in a particular manner at the risk that if he does not do so (he becomes subject to liability) to another to whom the duty is owed for any injury sustained by such other, of which that actor's conduct is a legal cause. Restatement, Second, Torts § 4. See **Care; Due care**.

In its use in jurisprudence, this word is the correlative of right. Thus, wherever there exists a right in any person, there also rests a corresponding duty upon some other person or upon all persons generally.\*

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