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Reader's Courtroom Tree Talk

Flagpole Problem

Got Too Tough

By Will Bernard, LL.B State laws vary. For personal guidance, see your local attorney.

Must You Holler When You Fell a Tree?

One morning, a farmer went to work digging up a dead tree. At last the roots broke loose. The tree came crashing down across the back fence-just as a neighbor was passing by with a team of horses! Several big branches landed on the horses, killing them instantly. Afterward the neighbor sued for



the value of the two animals, blaming the farmer for not hollering a warning. The farmer insisted that the neighbor could see what was going on, and therefore should have kept out of harm's way. But the court disagreed. Holding the farmer liable, the judge said he should have shouted a warning - as he was the only one who could tell the exact moment of danger.

If You Buy a House With a Flagpole, Do You Get the Flagpole Too?

A man decided it would be nice to have a flagpole in front of his house. He set several concrete blocks in the lawn, and holsted the pole into position. Some years later, he sold his house. However, nothing was said in the negotiations as to who should get the flagpole, and the parties finally had to go to court to settle the question. The seller argued that the pole was "removable"-and therefore was not included with the house. However, the judge decided otherwise when he found out that the pole was 60 feet high and weighed 300 pounds! Anything that big and that solid, he said, was an integral part of the premises.

May Telephone Men "Get Tough" With a Citizen Who Won't

Let Them Put up a Pole?

A telephone company decided to erect a pole in front of a certain house-despite the objections of the woman who lived there. When he crew arrived at woman was ready for them. As soon as they started digging, she jumped into the hole. They started digging in another spot-so she jumped into that hole too. To emphasize her protest, she also squirted the men with the garden hose! Enraged, they seized the pole and charged at her. The woman ducked-but not quite fast enough to avoid a glancing blow. Later she sued the telephone company for damages. After weighing the evidence pro and con, the court ruled in the woman's favor. The judge said the company should have gotten a court order against her-instead of "taking the law into their own hands."

Must Yau Step More -Carefully in the Dark Than in the Light?

An engineer was hired to check the heating system of an office building. While poking around in the basement, he came upon a large metal door. Curious, he opened it. Alas, it led to an elevator shaft! Down he fell to the bottom, one



floor below. Later he sued the building owner for damages, arguing that the shaft was not properly safeguarded. But the court rejected his claim, saying that the engineer himself was negligent for stepping into an unknown darkness. Said the judge: "Darkness is nature's own warning to arouse the natural instinct of self-protection . . . and should be even more convincing GLEANERS than a 'Danger' sign on the door!'

A girl's father, who had a suspicious nature, decided that one youth was taking advantage of his daughter. One day he confronted the pair and told them in plain language that they "must" get married. The youth was perfectly willing-but the girl agreed only because of her father's insistence. Soon after the wedding she filed suit for an annulment, pleading that she had gotten married under "co-ercion." But the court rejected her request. The judge said the girl still had a mind of her own.

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