

THE COURT HELD

a public service by the
COLLEGE OF LAW
WILLAMETTE UNIVERSITY
Editor's note: This column is to present general principals of law. It is not to be taken as legal advice. Slight changes in the facts may change the outcome of a case. If you have a problem, see an attorney.

A meat packing plant purchased two bulls for slaughter. One was large, weighing 1,195 pounds, and had been observed by those handling him to be "nervous and skittish." This information had been communicated to the owner of the packing plant. Upon delivery the two animals were placed in a pen that was located in a large shed. Somehow the bulls were able to get a gate open and they walked out of the pen into the larger shed. They knocked some boards from the wall of the shed, enabling them to leave the shed and go to another building on the premises of the packing plant.

At this point employees at the plant started chasing the bulls in an effort to capture them. The smaller one was quickly taken while the large one was chased from room to room in the building and finally it saw a door that had been open during the entire chase and went through it, down a ramp and into an alley outside the packing plant. Many people were still in pursuit. At this time one of the owners of the plant appeared with a .22 rifle and fired one shot. It hit the bull and made him even angrier. The bull left the alley and while being chased entered an open gate and found himself in a pen enclosed by a wire fence. The fence posts were metal and set in concrete. This was the premises of an oil company.

The packing plant owner appeared with his .22 rifle and while the bull was in this enclosure, with the gate shut and fastened, he shot it again. This angered the bull who charged the fence, broke it down and once again ran down the street. The owner then pursued it in a truck while the agent of the oil company went to get a more powerful rifle. After catching up with it he rammed it twice with the truck but did not subdue it. A few moments later the bull met a lady walking along the street. He lunged at her with his head and tossed her several feet into the air. The lady suffered cuts, bruises and a compound fracture of her right arm.

The injured lady and her husband brought actions against the packing plant on the ground that it had been negligent in keeping the animal and negligent in efforts to recapture it. The lower court awarded the lady \$7,500 for the injuries she had sustained and \$5,000 to the husband for loss of services of his wife. The packing plant appealed.

THE COURT HELD: The Court of Appeals of Tennessee affirmed the award of the lower court and the Supreme Court of Tennessee refused to review such decision. In affirming for the plaintiffs the appellate court merely indicated that it believed this to be a question for the jury to decide. It had been properly submitted to the jury in the lower court and it had determined that the agents of the packing plant had been negligent in the keeping and attempted recapture of the bull. The plant was properly held liable for the losses resulting from the injuries that had been suffered. *Groce Provision Co. v. Dorch*, 350 S.W. 2d 409 (Tenn. 1961.)

Chinese Foods Now Popular Roman Fad

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