



Case Brief – Case Six - Ploof v. Putnam

Parties:

Plaintiff: Sylvester A. Ploof (along with wife and children)

Defendant: Henry W. Putnam

Lawyers:

Martin S. Vilas, and Cowles & Moulton (for Plaintiff)

Batchelder & Bates (for Defendant)

Facts:

Defendant owned an island in Lake Champlain on which was placed a dock.

Plaintiff was sailing on the lake with his wife and two children when he was confronted with a sudden and violent storm placing his boat and the lives of those on the boat in great danger.

Defendant sought to save his family and his boat from destruction by mooring it to defendant's dock.

Defendant's caretaker unmoored the boat, which caused it to be driven into the shore and destroyed, and plaintiff's wife and children to suffer injuries.

Procedural History:

The Chittenden County Court denied defendant's general demurrer to:

- (1) plaintiff's count in trespass charging that defendant by his defendant willfully unmoored the ship; and
- (2) plaintiff's count alleging that defendant by his servant negligently unmoored the ship.

Issue:

Was plaintiff's entry onto defendant's private property permitted by the doctrine of necessity?

Rule / Holding:

Yes, plaintiff had a necessity for mooring the ship to defendant's dock. The doctrine of necessity in certain cases justifies entry onto and interference with personal property that would otherwise constitute trespass.

Reasoning / Discussion:

Plaintiff alleged that the nature of the sudden and violent storm compelled him to moor to defendant's dock to save his boat and the people in it, making the doctrine of necessity applicable.

The doctrine of necessity "applies with special force to the preservation of human life."

For example, someone who is assaulted and whose life is in danger may run through the property of another to escape from his attacker, and "one may sacrifice the personal property of another to save his life or the lives of his fellows."

The court cited other examples of necessity, such as a property owner driving out trespassing sheep with his dog, which pursued them onto neighboring land, and a traveler who entered a private property to get around an obstruction on the road.