

<<美国侵权法>>

图书基本信息

书名：<<美国侵权法>>

13位ISBN编号：9787566305398

10位ISBN编号：7566305395

出版时间：2012-12

出版人：王军、高建学 对外经济贸易大学出版社 (2012-12出版)

版权说明：本站所提供下载的PDF图书仅提供预览和简介，请支持正版图书。

更多资源请访问：<http://www.tushu007.com>

<<美国侵权法>>

内容概要

《美国侵权法(第2版)(英文版)》所选取的案例比较系统地反映了英美侵权法（主要是美国）的主要制度。

为了便于读者能够在较短的时间内获得英美侵权法最为基础的知识，编者特意在每一章或每一节的开头部分对该章节所涉及的法律原理用中文进行了简要的表述。

<<美国侵权法>>

书籍目录

第一章 故意侵权 第一节 威吓和殴打 案例1 Vosburg v.Putney 案例2 Anicet v.Gant 第二节 不法拘禁 案例3 Parvi v.City of Kingston 第三节 故意精神伤害 案例4 Womack v.Eldridge 第二章 过失侵权 第一节 注意义务 案例5 Palsgraf v.Long Island Railroad Co. 案例6 Tarasoff v.Regents of the Univ.of California 案例7 Farwell v.Keaton 案例8 Harper v.Herman 案例9 Korman v.Mallin 第二节 注意义务的违反 案例10 Brown v.Kendall 案例11 United States v.Carroll Towing Co. 案例12 McCarty v.Pheasant Run , Inc. 案例13 Stewart v.Martin Motts 案例14 Robinson v.Lindsay 案例15 Cervelli v.Graves 案例16 Poyner v.Loftus 第三节 因果关系 案例17 Overseas Tankship (U.K.) Ltd.v.Morts Dock & Engineering Co. , Ltd. 案例18 Frances A.McLaughlin v.Mine Safety Appliances Company 第四节 损害 案例19 Gammon v.Osteopathic Hosp.of Maine , Inc. 案例20 K.A.C.v.Benson 案例21 State Farm v.Campbell 第五节 举证责任 案例22 Byrne v.Boadle 案例23 Anderson v.Service Merchandise Co.Inc. 第三章 严格责任 第一节 危险理论的起源 案例24 Fletcher v.Rylands 案例25 Rylands v.Fletcher 第二节 直接暴力侵害 案例26 Sullivanv.Dunham 第三节 超常危险活动理论 案例27 Indiana Harbor Belt R.Co.v.American Cyanamid Co. 第四章 产品责任 第一节 产品责任的严格责任之诉 案例28 Camacho v.Honda Motor Co.Ltd. 案例29 Soule V.GeneralMotors Corp. 第二节 产品责任领域严格责任的适用范围 案例30 Hoven v.Kelble 案例31.Brown v.Superior Court 第三节 产品责任的抗辩 案例32 Daly V.General Motors Corporation 案例33 Jones v.Ryobi , Ltd. 案例34 Smith v.Ontario Sewing Machine Co.Ltd. 第五章 私人妨害责任 案例35 Jost v.Dairyland Power Co. 案例36 Carpenter v.The Double R Cattle Company , Inc. 案例37 Boomer v.Atlantic Cement Co , Inc. 第六章 环境侵权责任 案例38 Exxon Shipping Company , et al. , Petitioners , v.Grant Banker et al 案例39 United States of Amenca , Plaintiff v.J.R.Nelson Vessel Ltd.et al , Defendants. 案例40 United States , Petitioner v.Bestfoods et al.

章节摘录

版权页： This is not a new question , for it has been considered , directly or indirectly , so many times by this court that a reference to the earlier authorities is unnecessary. In the leading case upon the subject , the defendant , in order to dig a canal authorized by its charter , necessarily blasted out rocks from its own land with gunpowder , and thus threw fragments against the plaintiff ' s house , which stood upon the adjoining premises. Although there was no proof of negligence , or want of skill , the defendant was held liable for the injury sustained. All the judges concurred in the opinion of GARDINER , J. , who said : "The defendants had the right to dig the canal. The plaintiff the right to the undisturbed possession of his property. If these rights conflict , the former must yield to the latter , as the more important of the two , since , upon grounds of public policy , it is better that one man should surrender a particular use of his land , than that another should be deprived of the beneficial use of his property altogether , which might be the consequence if the privilege of the former should be wholly unrestricted. The case before us illustrates this principle. For if the defendants in excavating their canal , in itself a lawful use of their land , could , in the manner mentioned by the witnesses , demolish the stoop of the plaintiff with impunity , they might , for the same purpose , on the exercise of reasonable care , demolish his house , and thus deprive him of all use of his property. The use of land by the proprietor is not therefore an absolute right , but qualified and limited by the higher right of others to the lawful possession of their property. To this possession the law prohibits all direct injury , without regard to its extent or the motives of the aggressor. He may excavate a canal , but he cannot cast the dirt or stones upon the land of his neighbor , either by human agency or the force of gunpowder. If he cannot construct the work without the adoption of such means , he must abandon that mode of using his property , or be held responsible for all damages resulting therefrom. He will not be permitted to accomplish a legal object in an unlawful manner." (Hay v. Cohoes Co. , 2 N.Y.159.) This case was followed immediately by Tremain v. Cohoes Co. (2 N.Y.163) , a similar action against the same defendant , which offered to show upon the trial "that the work was done in the best and most careful manner".

<<美国侵权法>>

编辑推荐

《美国侵权法(第2版)(英文版)》在每个英文案例之后附上思考题，使读者可以带着问题阅读案例，加深对案例中阐明的法律原理的理解。

笔者希望，读者能够在阅读这些案例的过程中，不仅弄懂每一个案例的事实、判决结果和法官的推理过程，而且能透过这些案例了解英美国家的法律制度，以及它们所体现的社会价值观念和公共政策。

<<美国侵权法>>

版权说明

本站所提供下载的PDF图书仅提供预览和简介，请支持正版图书。

更多资源请访问:<http://www.tushu007.com>