Automobiles Parking on Highways: Necessary Repairs

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qualifications should not be affected by the fact that the attorney may be a judge or be holding a public office.

The words of Mr. Chief Justice Winslow can best express the purpose for and the reason behind cases such as the one just reported:

"Equal and exact justice has been the passionate demand of the human soul since man first wronged his fellowman; it has been the dream of the philosopher, the aim of the lawgiver, the supreme endeavor of the judge, the ultimate test of every government and every civilization. Pain and suffering may be bravely met, poverty and want endured without complaint, the daily round of exacting toil taken up with cheerful heart, but the soul of man in all ages has bitterly cried out against injustice and insistently demanded that it must not be. Every government past and present may be known and properly judged by the quality of the justice administered by its courts. The nearer the approach to ideal and perfect justice in the courts, the nearer the approach to Utopia in the government."

Al Watson, '28

Automobiles Parking on Highways: Necessary Repairs.

No parking on any public highway! What does this mean? The problem has been before our courts on different occasions and has been partially settled. Now it is definitely and correctly determined by the decision in Long v. Steffen.这座案件是由一位寡妇作为其丈夫的遗产管理人发起的，其丈夫因被告的汽车与他的卡车相撞而死。死者的卡车失控，被告的汽车以惊人的力量撞向停着的卡车，然后停在25英尺外的路肩上。被告声称被来车的前灯照射得看不清，这使他有责任赔偿死者的伤害并使他死亡，还是被告有危险疏忽？

我们的最高法院在Schacht v. Quick中裁定：“一个旅行者有权在没有破坏交通的情况下使用高速公路进行检查。”

178 Wis. 330; 190 N.W. 89.
of repairs of his car while traveling.” However, this decision was rendered before the enactment of the Statute in 1921 and which was amended in 1923, so as to read:

“Except when making absolutely necessary repairs, no person shall park or leave any vehicle along, upon, or within the limits of any public highway in such a manner as to interfere with the free passage of vehicles over and along such highway. In all cases there shall be left a free and usable passageway of at least eighteen feet so that vehicles going in opposite directions may pass without interference from any standing vehicle.”

Since the passage of this statute, the word “parking” in the statute has been construed in Kaster v. Tures to mean “the voluntary act of leaving a car on the highway when not in use.” In the instant case, the deceased did not voluntarily leave his car parked. He was compelled to make repairs. In Froechter v. Arenholts, it was held that a driver was not negligent “in stopping under a light at a roadside to repair lights.” Doughraty v. Tabbets held that an automobile operator “should be charged with the duty of observing whether any persons are about the standing vehicle.”

The case of Dare v. Boss held that the law “no vehicle shall be parked upon the main traveled portion of the highway . . . shall not apply to any vehicle so disabled that it would be dangerous to move it.”

The California case of Mitsuda v. Isbell holds that a person may repair his disabled vehicle on the traveled portion of the highway so long as he does not cause too much “inconvenience and hazard to others.”

Justice Doerfler said in the present case that the court will take judicial notice of the fact that tire punctures occur very frequently, and that it is dangerous to life and injurious to the car itself to drive with a flat tire. Then the Court comes to the conclusion that tire repairing is within the meaning “absolutely necessary repairs” for which parking is allowed by Sec. 85.02 of our statutes.

Therefore, as long as a person does not obstruct traffic and takes necessary precautions for the safety of others, Wisconsin holds that one may temporarily park his vehicle on the traveled portion of a highway to make “absolutely necessary repairs.”

J. S. FORNARY

Bankruptcy: Judgment Lien Against Partners.

The case of Liberty National Bank of Roanoke, Virginia v. Bear et al, reported in 48 S. Ct. 252, involves a very important principle in the law of bankruptcy.

It concerns itself with the validity of a judgment lien filed within four months of a bankruptcy petition against a partnership, but more than four months before voluntary petition by the partners individually.

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3 Wis. Sts. Sec. 85.02.
4191 Wis. 120; 210 N.W. 415.
5242 Ill. App. 93.
6120 A. 354 (Me.).
7224 Pa. 446 (Ore.).
8234 Pa. 928.