

SUPREME COURT OF NORTH CAROLINA

Hinson v. . R. R., 172 N.C. 646

90 S.E. 772 (1916) · Decided December 6, 1916

SUMMARY

The court affirmed a nonsuit in favor of the defendant railroad after an employee lost his leg while attempting to pass beneath coupled railroad cars in a switching yard. The court held that the Federal Employers' Liability Act governed because the plaintiff was engaged in work connected with interstate commerce, and that the evidence did not show a breach of duty by the railroad. It further concluded that the plaintiff knowingly assumed the risk by choosing to go under the cars despite having safe alternative routes.

CASE DETAILS

COURT	Supreme Court of North Carolina
JURISDICTION	North Carolina
DECIDED	December 6, 1916
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from a judgment of nonsuit entered after the trial court sustained defendant's motion for nonsuit.
STANDARD OF REVIEW	On appeal from a nonsuit, the court considered the plaintiff's evidence as true and determined whether it disclosed a legally sufficient claim.
PRECEDENTIAL VALUE	Published North Carolina Supreme Court opinion
PARTIES	Hinson v. . R. R.

TOPICS

- assumption of risk
- negligence
- personal injury
- standard of care
- appellate procedure

PRACTICE AREAS

- railroad employee injury
- Federal Employers' Liability Act
- negligence
- assumption of risk
- appellate procedure

QUESTIONS PRESENTED

1. Whether the plaintiff's evidence established negligence or breach of duty by the railroad under the Federal Employers' Liability Act.
2. Whether the plaintiff, who deliberately went beneath connected railroad cars despite available safe routes, assumed the risk of his conduct.
3. Whether the plaintiff was engaged in interstate commerce so that the Federal Employers' Liability Act governed the claim.

HOLDINGS

1. The Federal Employers' Liability Act governed because plaintiff's work preparing an engine for an interstate run and the railroad's interstate operations placed plaintiff and his employer within interstate commerce.
2. The plaintiff's evidence failed to show that defendant breached any duty owed to him. The railroad was not required to ring bells, blow whistles, or send a person ahead every time cars were shifted in its switching yards, particularly where plaintiff was under the train and could not have been seen from the engine, tender, or cars.
3. Plaintiff assumed the risk of his injury by deliberately going beneath the connected cars when he knew the danger of switching operations and had safe, readily available routes around the train.

KEY QUOTATIONS

“The ringing of bells and the sounding of whistles on trains going and coming, and switch engines moving forwards and backwards, would have simply tended to confusion.” (at 702)

“Before the plaintiff went under the cars he examined the situation, weighed the chances, and deliberately decided to take the risk.” (at 702)

FACTUAL BACKGROUND

Hinson, a railroad hostler, was injured while crossing railroad switching yards on his way home. Rather than walk around a coal-car train using routes provided by the company, he attempted to pass beneath the drawhead between two cars. An engine struck the train, moving a wheel over his leg. Hinson acknowledged that he knew of the switching activity, that he could have safely walked around either end of the train, and that he deliberately proceeded beneath the cars because he did not believe there was danger.

PROCEDURAL HISTORY

The trial court granted a nonsuit on the evidence offered by the plaintiff. The Supreme Court of North Carolina reviewed the evidence in the light most favorable to plaintiff and affirmed.

DISPOSITION

affirmed

CASES CITED

- Ry. v. Gray, Advance Opinions U.S. Sup. Court, 22 May 1916, at 558
- Ry. v. Horton, 233 U.S. 492
- Mondon v. Ry., 223 U.S. 1
- Tel. Co. v. Milling Co., 218 U.S. 406
- Lloyd v. R. R., 166 N.C. 27
- N.C. R. R. Co. v. Zachary, 232 U.S. 348
- Cross v. Ry. Co., 177 S.W. 1127
- Pederson v. Ry., 229 U.S. 146
- Jones v. R. R., 149 S.W. 951
- Tuesdale v. R. R., 159 Ky. 718
- Lombardo v. R. R., 223 Fed. 427
- Railway v. Howerton, 105 N.E. 1026
- Aerkfetz v. Humphreys, 145 U.S. 418
- Covington v. Furniture Co., 138 N.C. 374
- Dermid v. R. R., 148 N.C. 183
- Bryan v. Lumber Co., 154 N.C. 485
- Cooper v. Headrick, 159 Fed. 683
- LeGwin v. R. R., 170 N.C. 359