

学生趣味英语读物 (英汉对照)

THE RED BALLOONS

判案系列 ④

红气

.....

球案

[美] 马文·米勒 著



中国对外翻译出版公司

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# 红气球案

【美】马文·米勒 著

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中国对外翻译出版公司

**图书在版编目(CIP)数据**

红气球案/(美)米勒著;王恩冕译. —北京:中国对外翻译出版公司,1997.1

(学生趣味英语读物·判案系列;4)

ISBN 7-5001-0430-8

I. 红… II. ①米…②王… III. 英语-语言教学-语言读物  
N. H 319.4

中国版本图书馆 CIP 数据核字(96)第 06836 号

---

出版发行/中国对外翻译出版公司

地 址/北京市西城区太平桥大街4号

电 话/66168195

邮 编/100810

责任编辑/周 欣

封面设计/刘 山

印 刷/北京振华印刷厂

经 销/新华书店北京发行所

规 格/787×1092毫米 1/32

印 张/5.125

版 次/1997年1月第1版

印 次/1997年1月第1次

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ISBN 7-5001-0430-8/H·145 定价:6.00元

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## Order in the Court

### **LADIES AND GENTLEMEN OF THE JURY:**

This court is now in session. My name is Judge John Dennenberg. You are the jury, and the trials are set to begin.

You have a serious responsibility.. Will the 5  
innocent be sent to jail and the guilty go free?  
Let's hope not. Your job is to make sure that  
justice is served.

Read each case carefully. Study the evidence  
presented and then decide. 10

### **GUILTY OR NOT GUILTY??**

Both sides of the case will be presented to you.  
The person who has the complaint is called the  
*plaintiff*. He or she has brought the case to court.  
If a crime is involved, the State is the accuser. 15

The person being accused is called the *defendant*.  
The defendant is pleading his or her innocence

and presents a much different version of what happened.

IN EACH CASE, THREE PIECES OF EVIDENCE WILL BE PRESENTED AS  
5 EXHIBITS A, B, AND C. EXAMINE THE EXHIBITS VERY CAREFULLY. A *CLUE* TO THE SOLUTION OF EACH CASE WILL BE FOUND THERE. IT WILL DIRECTLY POINT TO THE INNOCENCE OR GUILT OF THE  
10 ACCUSED.

Remember, each side will try to convince you that his or her version is what actually happened. BUT YOU MUST MAKE THE FINAL DECISION.

# **The Case of the Unhappy Hunter**

## **LADIES AND GENTLEMEN OF THE JURY:**

If a person is injured on someone else's land, the property owner is responsible. But if people are warned to stay away, the owner is not liable.

This is the point of law you must consider today. 5

Brendan Mosby, the plaintiff, is suing Hector Peebles for failing to warn hunters that there were dangerous animal traps on his land. Mr. Peebles, the defendant, says that he had posted warning signs to keep people away. 10

On January 4, Brendan Mosby skipped work to go hunting in Mountain Lakes. The area is located 20 miles outside of Bedford. Each year, hundreds of persons go there to hunt pheasants.

Despite a full day in Mountain Lakes, Mosby 15 was disappointed. He failed to hunt down a single bird.

Mr. Mosby explained to the court how he entered Hector Peebles's property:

"I'd been hunting all day. Early in the afternoon 20 it began snowing real hard. I was growing tired. After hunting for hours, I had hardly seen any



pheasants. I was disgusted and decided to go home.

- “When I started walking back to my car, I couldn’t find the main road. Suddenly I realized  
5 I was lost. I got a little scared.

“I must have roamed through Mountain Lakes for over an hour. Finally it stopped snowing. I spotted some telephone poles in the distance. I figured I must be near the main road.”

- 10 Mosby headed for the road, but he did not realize he was walking through the private property owned by Hector Peebles.

The plaintiff enters as EXHIBIT A a diagram of his location. Peebles’s land is in the shaded  
15 area.

Mr. Mosby was asked to describe his accident. First the question and then his answer:

**Q:** Didn’t you know you were trespassing on Peebles’s land?

- A:** How could I? There were no signs. I just  
20 figured I was walking through the Mountain Lakes hunting area.

**Q:** Will you tell the court how you were injured?

- A:** I saw the telephone poles in the distance and  
25 headed in their direction. I walked through what I thought was a snow-covered path. Suddenly I felt something sharp clamp tightly around my left leg. It cut into it, and I fell to

the ground. Blood started seeping through my pants leg. The pain was terrible.

**Q:** How did you manage to free yourself?

**A:** I was really dazed by the pain. But I had enough strength to pry open the jaws of the trap around my leg. 5

**Q:** Did you see any signs on the property that warned of animal traps?

**A:** No. Definitely not. There were no signs on the land. 10

Brendan Mosby is suing Hector Peebles for medical expenses from his injury and for the pain and suffering it caused. He says that if the land had been properly marked, he never would have walked into the trap. 15

Mr. Peebles claims that the plaintiff was mistaken. He had posted warning signs all over his property. Brendan Mosby should have seen them.

Peebles testified as follows:

"When I bought the land twelve years ago, the first thing I did was build a wire fence around it. It kept out hunters. And most of all, I didn't want any animals ruining my garden. 20

"But sometimes an animal would break through my fence, so I put in traps to catch them. 25

"I check the fence regularly. The afternoon of Mosby's accident, I saw that a section of my fence was down. I would have fixed it then and there,

but it started to snow real hard. I thought it could wait until the following day.”

Mr. Peebles entered as EXHIBIT B a photo of the broken fence. The footprints show where

5 Brendan Mosby entered Peebles’s property.

“If Mosby had been careful, he would have seen my sign. It warns trespassers of my animal traps. I post signs near every trap.”

After Mosby was injured, Peebles took a photograph of the area. This is entered as EXHIBIT  
10 C. It shows the trap and the warning sign on a nearby tree.

Mr. Peebles continued his testimony:

“I can’t be responsible for Mosby’s accident.

15 There was enough daylight for him to see my sign. Brendan Mosby walked on my property — plain and simple. He was too lazy to walk around it to reach the main road.

“Mosby never should have been on my land. It  
20 was his own carelessness that caused the accident.”

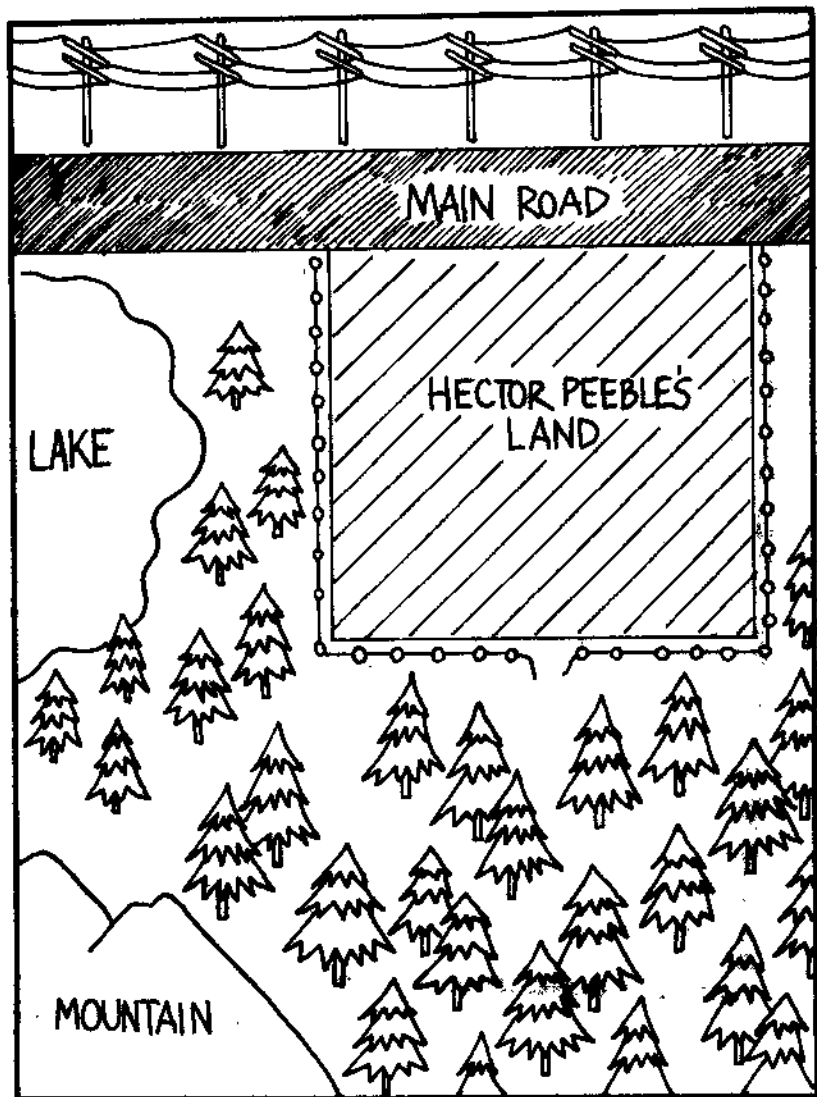
**LADIES AND GENTLEMEN OF THE JURY:**

You have just heard the Case of the Unhappy Hunter. You must decide the merits of Brendan

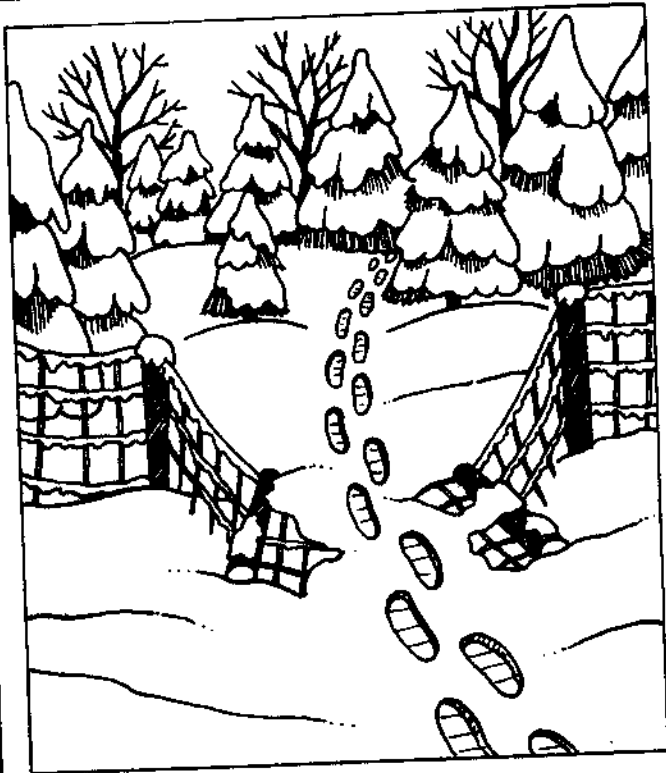
25 Mosby’s claim.

Is Hector Peebles responsible for Mosby’s injury? Or should the hunter have seen the warning sign?

EXHIBIT A



**EXHIBIT B**



## EXHIBIT C



# VERDICT

HECTOR PEEBLES IS RESPONSIBLE.

Peebles put up the sign after the accident occurred.

The place where Mosby was injured is shown in EXHIBIT C. The tree limbs are covered with snow. But there is no snow on top of the warning 5 sign. Peebles must have nailed it to the tree *after* it stopped snowing.

# The Case of the Exploding Tire

## LADIES AND GENTLEMEN OF THE JURY:

When a person buys a product, often she or he is given a written warranty. This guarantees that the product is of good quality.

Sometimes a warranty is written to limit the seller's responsibility. This is called a *limited warranty*. It describes exactly what the seller will do if the product is faulty. 5

Molly Kramer, the plaintiff, is in court today and claims her car was damaged because of a tire she bought from Ernie's Tire and Auto Center. 10

Ernie Walker, the defendant, agrees to replace the tire. But he refuses to pay for anything else.

Molly Kramer explained to the court how the damage occurred: 15

"I own a fifteen-year-old Penza. It's a great car, but the front tires were worn pretty badly. And replacement tires are so expensive these days. When I heard about a tire sale at Ernie's, I drove right over. 20

"The sale seemed like a bargain, so I bought two new ones. It must have taken about a half



hour to replace both tires. I had some work done on my engine, too.

“About a week later, while I was driving home from work, I heard a loud bang. My car jerked  
5 to the side of the road. It was really scary.”

Miss Kramer got out of her car and inspected the front end. Her new right tire was a rubbery blob.

The new tire had exploded, and the car's front  
10 fender was blown partly off. She phoned Ernie Walker and had him tow her car to his garage.

The plaintiff is suing Ernie Walker to replace the tire. She also wants him to pay for the cost of a new front fender.

15 Molly Kramer continued her testimony:

“When I demanded that Ernie pay for all costs, he refused. He said that he was responsible only for replacing the blown-out tire. I would have to pay for the fender myself.

20 “Ernie showed me a copy of the bill with a tire warranty printed on the bottom. But I never saw the bill before. It had my signature on it. Ernie must have faked it.

“He must have copied my name on the bill from  
25 my signature on the check I gave him.”

Molly Kramer's check was entered as EXHIBIT A.

Ernie Walker told his side of the story to the court: