

1-28-1935

T. C. Williams School of Law, University of Richmond: Torts I Exam, 28 Jan 1935

University of Richmond

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only ans. questions asked.

Crampbill
write better
can't read paper.

can write - started out 6:15
but got careless.
In gradings, I got careless.

T.C. WILLIAMS SCHOOL OF LAW
University of Richmond

TORTS I Examination

January 28, 1935.

2 hrs.
9 no
more!
stop then
because
last ones
might give
little extra

15 min
or
20

3

30

30

1. Blackacre was owned by Buck who kept and trained wild animals for the circus on a portion thereof. The remaining portion was occupied by Buck and his paramour and housekeeper, Ida. Dare, an expert parachute jumper, while giving a twilight exhibition, reasonably mistook Blackacre to be the adjoining exhibition field and jumped from his plane. He was headed toward the menagerie when fortunately the wind unexpectedly changed, diverted his course, and caused him to land in Buck's vineyard. In landing Dare was stripped of all his clothing. While exploring in the darkness Dare learned that his only means of escape was through the animal lot. In the meantime Buck discovered the parachute and placed it on his straw hut as a covering. Dare later discovered the hut, aroused Buck, and demanded of him the parachute to use as clothing in order that he might return home. Upon Buck's refusal Dare took from beneath Ida's head a suit of clothes belonging to Buck which was being used by her as a pillow, but before Dare could escape Buck grabbed him. Dare landed a severe blow on Buck's stomach causing him to fall helpless to the floor. The fall awakened Ida who intervened, recovered the suit, and set an apparently dangerous but entirely harmless bull dog on Dare, who took flight and reached home, two miles distant, unnoticed and unharmed by the animals. Discuss the rights and liabilities of the parties.

2. Mrs. Doe was the patient of O, an obstetrician. When she presented herself at the hospital for delivery, O introduced to her his son, B, and stated that since B was a physician, he would assist O. Mrs. Doe made no comment. The assistance was rendered. Mrs. Doe subsequently learned that B was not a physician but a second year medical student. Mrs. Doe brings an action of battery against B for having touched her person. Why judgment? Why?

3. A, administrator of T's estate, found among the deceased's papers a \$ 100 promissory note made by M across the face of which was written "Paid". On back of the note there were notations of three \$25 payments. A brings action against M for \$ 25. The court in part instructs the jury:

Change { "The questions of malice and probable cause are for the determination of the jury. Malice in this connection means actual malice. No burden of proof rests on the plaintiff to show malice, but it may be inferred from probable cause."

battery
self defense

Do you find error? If so, make the necessary corrections. Assuming correct instructions were given, what judgment? Why?

(for 1/4 see back of this exam.)

4. (N.B. A railroad ticket is a contract between the railroad and a passenger.) X Railroad has for some time sold nontransferable reduced-rate round-trip tickets between New York and Chicago. Y, with offices in both cities, over the same period of time carried on the business of purchasing such tickets from one-way passengers and selling them to passengers who desired to make the return trip. Passengers who did not intend to make the round-trip found it profitable to purchase the round-trip ticket and sell the unused portion to Y with the consequence that X sold but few one-way tickets. For that injury X brings action against Y. Is Y liable? Why or why not? (Cf. Bitterman v. Louisville etc. R. Co. 207 U.S.205).

30 5. H made application to Eager Insurance Company, which ordinarily requires no physical examination, for a \$ 10,000 policy on his life making his wife, W, beneficiary. When H informed W of what he had done, Snoop overheard the conversation and, through ill-will toward W, stated to the Company that H had a latent case of tuberculosis. Although unknown to everyone concerned, including Snoop, the statement was in fact true and its truth could have been discovered by a most cursory physical examination. Through precaution, instead of issuing the policy immediately as was the custom, the company instructed H to submit to an examination within ten days. On his way to fill his appointment with the company physician on the ninth day H was fatally injured in an automobile accident. Does W have any recourse against Snoop?

* * *

④ ~~A, owner of local baseball team, employs~~

A, a star pitcher, is employed at will by B the owner of the local baseball club. C, a spectator, ~~games~~ attends all games which A pitches and, desiring A to lose the game, engages in cat calls, boos, and other noises which he knows is particularly irritating to A. As a consequence A fails to pitch effectively and is discharged by B. Without the services of A, B has a losing team which causes the attendance at the games to materially decrease. What, if any, is the liability of C? Why, or why not?

End.