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T. C. Williams School of Law, University of Richmond: Torts I Exam, 30 Jan 1936

University of Richmond

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T. C. WILLIAMS SCHOOL OF LAW
University of Richmond

*Besting
Convent
Account*

TORTS I Examination

January 30, 1936.

Professor Muse

1. D, a dentist, gave P, a patient, gas to extract a certain wisdom tooth. D made a mistake and had his pliers on another tooth when P, still under the influence of the gas, leaped from the chair and ran amuck, breaking \$ 5 worth of dental equipment. D, to protect himself from bodily injury, and his dental equipment from further damage, pushed P through an open window, 4 feet above the lawn. P landed on C's flower bed, breaking his own arm and destroying \$ 3 worth of C's flowers. Discuss the rights of D, P, and C.

2. Thomas, missing from his bureau a valuable diamond ring, called into his study his four domestic servants and said to them: "I feel sure that one of you four has stolen my ring. If any of you attempts to leave this room before the guilty party is disclosed, I shall call the police". The servants stayed, and submitted to a fruitless interrogation for an hour. Thomas then remembered that he had locked the jewel in a desk drawer, and apologized profusely. Discuss Thomas' liability.

3. Lightning set fire to A's house which was located in a congested urban district. The fire got beyond control and was about to be communicated to B's house which, if it did, would endanger ten or fifteen blocks of frame houses. C, who lived in an adjoining town, happened by A's and B's houses, saw the fire, decided to dynamite B's unoccupied house, and did so, thereby saving the other homes.

- (a) State the common law governing this situation .
- (b) If you think the common law arrives at the correct solution, give your reason.
- (c) If you think the common law to be inadequate in this particular, what improvements would you suggest? Give your reasons for each change you suggest.

4. D, field agent for an Animal Trainer's Union, in order to force recognition of the Union by the X Motion Picture Company, induced A, a member of the Union, by paying him the value thereof, to kill a trained dog which A owned and had contracted to allow the X Company to use in making the film "A Dog's Life". The consequences of this, all of which D anticipated, were that the B Insurance Company, which had insured the life of the dog in X Company's favor during the taking of the picture, paid X Company \$ 4000 under the policy; the making of the film was delayed two weeks while retakes were made of scenes in which A's dog had been already photographed, another dog hired from C being substituted in these scenes and in other scenes which had not yet been taken;

No inducement to breach contract with B-

Better wayes for dog, not men.

6/1100

813 20

*16/108
46
22
3/10
62.5*

*308 75
8 700
2/20
3/10*

*Why recognition
Bride
means: kill dog
Intent
Insurance (no)
damages*

10,000
5,000
1,000

the X Company spent \$ 5000 making the retakes and in addition had to pay C \$ 1000 for the use of C's dog; and the X Company was forced to postpone the release of the film to its exhibitor E two weeks beyond the date on which it had agreed with E to do so, thereby incurring liability to E for \$ 10,000 under a valid provision for liquidated damages for delay in the contract with E. The Union was never recognized. Discuss D's liability to the B Company and the X Company.

5. Bim Gump was an unmarried, eccentric recluse of 90 years, his eccentricities having materially increased with age. Mama Detross, a designing neighbor, administered to his needs and was otherwise very attentive to Bim, in hopes that he would bequeath a portion of his vast estate to her. Andy Gump, who, as nephew, would inherit the entire estate if Bim Gump died intestate, learned that Bim had recently made a will leaving all his holdings to Mama. Because of this Andy doubted Bim's sanity and immediately instituted lunacy proceedings. Andy honestly thought a lunacy court, not being acquainted with Bim's eccentricities, would declare him insane. Andy furthermore thought that, should Bim be insane, this procedure was preferable to contesting the probate of the will because in that contest Bim being dead, could not appear in person, and Bim had led such a secluded life the court would get meagre, if any, assistance from other witnesses. The court finds Bim sane, whereupon he consults you concerning possible tort action against Andy. Advise him in detail.