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T. C. Williams School of Law, University of Richmond: Torts I Exam, 23 Jul 1938

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T. C. WILLIAMS SCHOOL OF LAW
University of Richmond

TORTS I Examination

July 23, 1938 .

Professor Muse

1. Nelson was being sought by local police for the kidnapping and murder of a small girl. Posing as a college boy selling bibles, he was permitted to spend the night in Horatio's house. Just as Nelson was leaving the next morning he saw an armed mob approaching looking for him. Nelson, in fear of his life, re-entered the house, locked the door, and refused to obey Horatio's command to leave at once. The mob threw rocks through the windows, but fired no shots. Hortense, Horatio's wife, for fear it would be thought that they had knowingly harbored a criminal, became frightened and fainted. Finally, Horatio succeeded in forcing Nelson out of the back door. Nelson was seized by the mob but escaped with minor bruises. What are the rights and liabilities of Horatio, Nelson, and Hortense inter se?

2. Murphy, a policeman, attempted to arrest Allred for stealing an orange from a fruit stand. Allred hid behind a telegraph pole and drew a gun. Murphy then shot Allred. Benton, hearing the shooting, came out of his house to watch the gunplay. Allred returned Murphy's fire, but missing his aim, hit Benton. Discuss Allred's liability to Murphy and Benton.

3. Ale, canoeing up a river, landed on an island owned by Bottle. Bottle found the empty canoe on the shore and cast it adrift. When Ale discovered this, he went to Bottle and demanded that Bottle lend him a row boat to enable him to get across to the mainland, a quarter mile away. Upon Bottle's refusal, Ale jumped in Bottle's row boat, but before he could cast off Bottle grabbed him and pulled him out of the boat. Ale landed a severe blow on Bottle's jaw, knocking him unconscious. Cork, Bottle's son, intervened at this point with a shot gun and began firing at Ale, who took flight and swam across to the mainland.

(a) List the points of law suggested by these facts, No rules, discussion or conclusions wanted.

(b) Discuss and answer fully any one tort not included in questions 1 and 2.

4. A thief stole Miles Standish's horse and sold it to John Alden, a bona fide purchaser. Standish did not know who stole his horse, but the next day saw it hitched to a post in front of the town tavern and unhitched it and led it home. Alden saw Standish walk off with the horse and said nothing. Alden related the facts as he knew them to his barber, the only person in the colony who had read law, and asked to be advised of his rights against Standish whom he thought was a thief. The barber advised Alden that he could use self-help to recapture his horse, bring an action of trover, or have Standish prosecuted for larceny. In order to discredit him with Pricilla and win her hand for himself, Alden had Standish indicted and tried for larceny. Having been acquitted Standish brings action against Alden. In the latter case the court in part instructs the jury:

"Malice is a question for the jury. Probable cause is a question for the determination of the court. Malice in this connection means actual malice. The burden of proof of malice rests on the Plaintiff".

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

5. Issac owned two dwelling houses on Hurricane Island, one of which he had rented to Jacob for a term of years and the other to Esau under a short term lease which was about to expire. Practically all the persons living on the island, including Jacob and Esau, were employed in Laban's quarry. Issac's houses were in rather unsanitary condition. Laban's widowed sister owned several other houses on Hurricane Island which were vacant. Laban announced to his employees that he would not retain in his employ any man who rented a house from Issac. Thereupon Jacob threw up his lease of Issac's house and Esau refused to renew his lease. Discuss Laban's liability to Issac.

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