

7-13-1940

# T. C. Williams School of Law, University of Richmond: Torts Exam, 13 Jul 1940

University of Richmond

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UNIVERSITY OF RICHMOND LAW SCHOOL

TORTS Examination

Professor Muse

July 13, 1940.

Account  
Pattern

Number  
1- 15  
2- 8  
3- 15  
4- 10  
5- 13  
6- 13  
74

1- 15  
2- 5  
3- 12  
4- 7  
5- 13  
6- 115  
67

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. Lightening 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.

3. Fisher borrowed Hunter's dog for a hunting trip. He fed it food purchased from X. X had previously sold to Fisher dog food containing broken glass, by the eating of which Fisher's dogs were killed. Had Fisher examined the food which he fed Hunter's dog, he would have discovered therein small capsules of high explosives. The dog eating the uninspected food, exploded the capsules. The dog was killed and fragments of the dog-house scattered by the explosion. One such fragment struck Hunter in the eye while he was playing golf on a course some 200 yards from Fisher's premises. Hunter brought action against Fisher for the loss of the dog and for his personal injury. What result?

4. A, the attendant at a gasoline filling station, in filling the tank of B's model-T Ford car, in B's absence, splashes gasoline over the cushions. B starts without knowing this, and a few moments later the cushions catch fire from a spark dropped from his pipe. B smothers the fire, as he supposes, and drives his car into C's garage. While in the office there, the fire, which was not in fact out, blazes up, destroys B's car, C's garage, and the neighboring building of D. What, if any, is the liability of A and B?

5. The Automatic Voting Machine Corporation agreed with the city of Utica to set up voting machines to be used on election day. Creedon was a candidate for the office of assessor in this election. Due to the Corporation's negligent adjustment of three of these voting machines, the results of the election were improperly recorded, and Creedon was apparently defeated, although he actually was elected by a large plurality of the votes. Creedon obtained a judicial order to examine the machines and to rectify the mistake in the official canvass. His expenses in this contest of the election amounted to \$3000. What, if any, are Creedon's rights against the Automatic Voting Machine Corporation? (See 276 N.Y.Supp. 609; 20 Cornell L. Q. 526.)

D's mistake  
self defense  
D.B.H. gra  
D's defense  
self  
prop.  
P.C.P.  
liable for flowers

Fisher's neg.  
Cause of dog

Burch

5-6. Atys negligently leaves a nearly emptied large box containing nine sticks of dynamite on the edge of a non-navigable stream running through his land. He should realize that the box might float against Boaz' fish weir which is made of stakes and substantially blocks the stream. The floating box would be likely to damage this, probably without exploding. *20*  
 Cama, a friend of Atys, sees the box and moves it six feet farther up the bank where it would not be affected by a normal rise of the stream. Two days later, however, an upstream dam bursts and the consequent flood carried the box down stream, over (not through) Boaz' weir to a bridge half a mile farther down also owned by Boaz. This the box strikes, and exploding, destroys it and injures David's house 400 yards away. What is Atys's liability?

*A's neg.  
 neg. stopped  
 weir  
 bridge  
 house  
 Cama*

6-7. Issac puts his horse into a field, failing to note that the gate from the field to the road is open. In the evening the horse leaves the field and enters the road where it runs in front of an unlicensed automobile driven by Jacob which breaks all four legs of the horse. Jacob is slightly wounded by the impact and leaves the horse where it is. Ten minutes later Esau, in another automobile, driving at 50 miles per hour, collides with the horse which he does not see and kills it instantly. Esau is hurt as a result of the collision. What are the rights and liabilities of the parties? *20*

*I's neg  
 interinflor  
 g's neg  
 Duty to move  
 E v. I + g.*

~~8. B is manager in charge of A's business. A, honestly but negligently relying upon the reports of B, gave a financial statement to Bradstreet's showing net assets of \$150,000. In facts the net assets were \$50,000. In reliance upon Bradstreet's rating which was based upon A's statement, C sold to A \$50,000 worth of goods. B converted all the business assets into cash and absconded. What tort action, if any, has C against A?~~

END.