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# T. C. Williams School of Law, University of Richmond: Torts I Exam, 22 May 1940

University of Richmond

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UNIVERSITY OF RICHMOND LAW SCHOOL

TORTS I Examination

May 22, 1940.

Professor Muse

1. A enters B's land to rescue from a barbed wire fence a stray dog which was caught thereon. Seeing him there, B orders him from the land and, upon A's refusal to leave, B threatens to hit him with an ax which he has in his hand. A thereupon draws a revolver with which he threatens to shoot B. B retaliates by throwing the ax at A. The ax misses A but strikes C who, unseen by both A and B, has come up to try to settle the difficulty. Discuss the liability of A and B.

2. A and B meet on the street and engage in mutual combat. A is injured and brings action against B in a court of State M of which you are judge. Assuming it to be a case of first impression in State M, what judgment? Why?

3. Ford keeps in his desk drawer at his factory a quantity of sleeping powder for his own use and a quantity of sneezing powder for use in case of sit-down strikes. Lewis, a breach of his contract of employment, quit work at noon and announced his intention of leaving and never again working for Ford. Ford thereupon locked the door and refused to allow Lewis exit until Lewis repaid him a past due \$10 debt. Although a few minutes later Ford changed his mind, opened the door, and said, "Get out, and you can keep the \$10", Lewis became angry and then said he would sit at his machine inactive until 5 P.M. In an effort to eject him Ford sprayed what he thought was sneezing powder into the room, but, by mistake, he used sleeping powder. Ford promptly forgot the whole incident and left. As usual the factory was locked at 5 P.M. Lewis, being asleep, was unnoticed and locked in. At 4 A.M. Lewis awoke and knew he could call the night watchman and be released, but decided to spend the night and walk out when the factory opened in the morning, which he did. What are the rights and liabilities in tort of Ford and Lewis inter se?

4. At the point of a gun Dunn was forced by an unknown masked man to set fire to Prune's house which was located in a congested urban area. Upon discovery of the fire, Prune requested the aid of Date to extinguish it but was refused. Ten minutes later, when the blaze had got beyond control, Date saw that the fire was about to be communicated to Pugh's house and, if it did, would endanger ten or fifteen blocks of frame houses including one belonging to him. Date dynamited Pugh's unoccupied house and thereby prevented the spread of the fire. Prune sues Dunn and Pugh sues Date.

- (a) State the common law governing these two cases.
- (b) If you think the common law arrives at the correct solution in each case, give your reasons.
- (c) If you think the common law to be inadequate in either case, what improvements would you suggest? Give reasons for each change suggested.

END.