

5-14-1942

T. C. Williams School of Law, University of Richmond: Torts Exam, 14 May 1942

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Recommended Citation

University of Richmond, "T. C. Williams School of Law, University of Richmond: Torts Exam, 14 May 1942" (1942). *Historic Law School Exams*. 46.

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1. Adie, desiring to repair the roof of his house, asks Buck for the loan of his ladder. Buck agrees. Adie goes on Buck's land and takes a ladder which resembles Buck's but which belong to Cole and which Buck had borrowed the day before. While Adie is on the roof, Cole sees his ladder and takes and carries it home. Adie, having completed the repairs, attempts to descend but, finding no ladder remains on the roof for an hour thinking his children have removed the ladder temporarily and will return it. Becoming worried, he jumps to the ground, a distance of fifteen feet, uninjured. What is the liability, if any, of Adie, Buck, and Cole?
2. Aaron invites his friend Burr, an experienced aviator, to ride with him. When the plane is at 10,000 feet, Aaron loses consciousness. Burr could easily control the plane; instead he jumps, using a parachute. He falls into Burr's garden, damaging valuable flowers. The plane crashes into Dixon's house. Aaron is killed. What are Burr's liabilities?
3. A statute provides that intercourse with a girl under 16 is rape. A seduces a 15-year old girl. After her 16th birthday he persuades her to submit to an illegal operation to procure an abortion. B, a competent surgeon, skillfully performs the operation which is successful. What causes of action are available to the girl?
4. A invites B to ride with him in his automobile. B goes to sleep just before they reach a railroad crossing. A, fatigued by 12 consecutive hours of driving, fails to hear the rumble of an approaching train which had not given the statutory signals and drives on the track without looking. There the car stalls. B awakens and runs, but 40 feet from the track is struck by flying debris. Has B a cause of action against X? Against A?
5. While A is negligently driving at two o'clock in the morning, he skids into an electric light pole causing it to fall upon his car. The highly charged wires fall to the street where they remain sparking from contact with the ground for 30 minutes while A remains unconscious in the car. B, a passing motorist, attempts to rescue A and is dragging him from the car when both he and A are electrocuted as he stumbles over a wire. At the time of the collision, the central station attendant of the electric light company learned from his instruments that there was a short circuit on the line and could have turned off the current. Instead he notified a repair crew which arrived shortly after A and B had died. What are the liabilities of the electric light company and A's estate?
6. The servants of the X railroad company carelessly permit dry grass to accumulate on its right of way close to its tracks, thereby subjecting plaintiff's premises on the south side of the tracks to a considerable risk of damage by fire resulting from the ignition of the dry grass by sparks accidentally escaping from locomotives. Y, the owner of a farm on the north side of the railroad tracks, opposite plaintiff's land, while smoking in bed, sets fire to the mattress and, being drunk at the time, is unable to put it out. The fire consumes Y's house. There being at the time a strong wind blowing from the north, the fire is carried to the dry grass on the railroad right of way, which catches fire and in turn ignites dry grass carelessly allowed by plaintiff to accumulate on his own land close to the railroad tracks. This burning grass sets fire to plaintiff's house. Has plaintiff a cause of action against Y? Against X?

7. The plaintiff alleged that defendant owned and operated a garage having a door opening on the public sidewalk; that although the sidewalk extended somewhat beyond the highway line there was nothing to indicate the location of the dividing line between the highway and the defendant's property; that a chain was hanging inside the door of the garage; that due to defective electric wiring this chain had become charged with a dangerous current of electricity; that this defect was discoverable by the exercise of due care on the defendant's part; that as plaintiff's intestate, a six-year old boy, was passing by on the sidewalk he reached over and touched the chain with a toy gun held in his hand and was instantly electrocuted. Demurrer. What judgment? (Roucco v. United Advertising Corp., 98 Conn. 241.)

8. A is about to invest \$1,000 in war bonds. In order to prevent this, and to persuade A to use the money to buy mining stock from him at market price, B tells A that Morgenthau is a crook, and that the mining stock is paying 10 percent dividends on the price (which is true) and that it will continue to do so (which B knows to be doubtful as the veins being mined are nearing exhaustion). Relying on these statements, A purchased the stock. Three days later a new and rich vein in the mine is found, but a week later an explosion causes the vein again to be lost and the mining company becomes bankrupt because of the damages it is required to pay its workmen injured in the explosion. What are B's liabilities?

END.