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T. C. Williams School of Law, University of Richmond: Torts I Exam, 22 Jan 1943

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UNIVERSITY OF RICHMOND LAW SCHOOL

PROFESSOR MUSE

1. A lives in a house 25 feet from B's house. In B's absence A sees that a fire has started in B's kitchen. Searching for tools in the garage of C, a neighbor, A finds an axe and a fire extinguisher. He chops down the door of B's house, and extinguishes the blaze with the contents of C's fire extinguisher. Under what liability, if any, is A ?
2. A, a boy of 19, returning to his home at 3 A.M. finds his parents out and the house locked. He is climbing to enter a second story window when B, a neighbor, believing him to be a burglar, shoots at him. The bullet breaks a window in the house and startles A who falls to the ground slightly stunned. The noise attracts policemen in a prowler car. They carry A in an unconscious condition to the police station where, after first aid, he is put into a cell. When he becomes conscious he proves his identity and is permitted to go. What tort or torts have been committed, either by B or by the policemen ?
3. A statute of state X requires that all persons transporting explosives by truck should display a large sign on the rear of the truck with the word "explosives". While A is carefully driving a truck filled with dynamite through X without such a sign he sees the plaintiff, an elderly lame man, step into the highway directly ahead of him. At this point B, driving from the opposite direction, negligently collides head-on with A's truck, diverting its course so that it does not strike the plaintiff as otherwise it would have done. The collision causes the dynamite in the truck to explode. The force of the explosion knocks the plaintiff down, causing him serious injury. Against whom, if anyone, does the plaintiff have a good cause of action ?
4. Robert Anderson, the janitor at the Law School, takes several drinks of whiskey downtown; then he takes the street car home. He becomes increasingly drunk and when he reaches Lombardy Street he can scarcely walk upright. The motorman assists him to alight and a passerby aids him in crossing Broad Street. While passing along the alley to reach his rooms in the basement of the Law School he falls, and unable to arise, is seriously frozen before he is rescued. Does Robert have a cause of action against the motorman or the passerby ?
5. While making a U turn at a street intersection, which was prohibited by city ordinance, A's automobile unexpectedly stalled on the street car tracks. Although he saw a street car approaching some three blocks away and had ample time to push his automobile off the tracks, A remained in the automobile attempting to start the motor. Just before the street car, which was traveling faster than A thought, reached the automobile A jumped out. The motorman, being engaged in conversation with a passenger and not looking ahead, did not see the automobile until he was some three feet from it. The street car struck the automobile damaging it and driving it against A, who had not had time to reach safety, severely injuring him. Can A recover for either the personal injury or property damage ?

6. A, a trespasser on B's land, shoots at an animal which he reasonably believes to be a deer but which in fact is a cow. He misses the cow but scares C, a young woman also trespassing, whom he should have seen. In her fright C trips over a log and is stepped on by the cow as the latter seeks safety. The fright causes C's incipient melancholia to become a permanent neurosis. Does C have a cause of action against A ?

7. During a business conversation between A and B the latter produced a new and unopened tightly cellophane wrapped and sealed package of cigarettes of the defendant's manufacture which he had purchased from a dealer in the ordinary course of trade. After opening the package, B took a cigarette out of it and handed the package to A who also took from it a cigarette of normal appearance and placed it in his mouth for smoking. B struck a match and first lighted his own cigarette and then applied the lighted match to the exposed end of A's cigarette. The manufacturer had negligently allowed deleterious matter to get into the tobacco from which this cigarette was made. Upon drawing on the cigarette, and due to the deleterious matter it contained, tiny sparks and a flame were omitted which ran up A's nostrils causing painful burns and a permanent loss of his sense of smell. While in the hospital a nurse negligently burned him with a hot water bottle in an attempt to alleviate the pain. Some time later, and during an enemy gas attack, A was seriously injured from gas fumes which he did not detect in time to use a gas mask which was available. Under what liability, if any, is the manufacturer to A ?

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