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T. C. Williams School of Law, University of Richmond: Torts II Exam, 8 Mar 1946

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UNIVERSITY OF RICHMOND LAW SCHOOL

TORTS II Examination

March 18, 1946

Professor Muse

cf. *Guile v. Greenberg*
192 Minn.
548

1. A, employed as manager of the crew of an armored money truck, was riding on the outside of the truck straddling the left front fender, with one foot on the bumper and holding himself on by grasping the radiator cap. He had just been attempting to repair the mechanical signal device. B, whose car was parked on the side of the road, without looking back and without giving a warning signal, as required by statute, pulled out into the travelled part of the highway and collided with the right front bumper of the money truck. A was thrown off, sustaining injuries. Had the driver of the truck been on the alert he could have avoided the collision, but a sudden swerving might have thrown A off. A city ordinance provided: "No person shall, when riding, allow any part of the body to project beyond the limits of the vehicle, except when signalling with the arm, nor shall any person hang on to any vehicle." Discuss B's liability to A.

2. A buys from D an old and dilapidated automobile. Without inspecting it, he says to B, a friend who is present, "If you'll go with me, we'll try it out." B assents. They drive out. B falls asleep. Thereafter, due to the failure of the brakes to work, the automobile collides with an unregistered automobile which is being carefully driven by C. The collision injures B and C and also a bystander E. What is the liability of A, B, C, and D?

3. P, standing on a railway crossing, is so intently watching a burning house that he does not see or hear the approach of a locomotive. When about fifty yards distant, the engineer, who had not given the statutory signal warning, sees him and applies the brakes, which being in disrepair fail to operate. P is struck. The train crew take him on the train but fail to stop at the first town at which there is a doctor. Two hours later he is taken to a hospital where he refuses to permit an operation to be performed. As a result he loses his leg. Neither the operation nor the loss of the leg would have been necessary had he been left at the first town. What are P's rights against the railway?

4. A, owner and occupier of Blackacre, has an old windmill standing in such a dilapidated condition that it is likely to fall at any time. An extraordinary wind blows it down. Most of it falls on A's land but part of it extends into the public highway. In falling it injures B, a nine year old boy who was surreptitiously trying to climb to the top; B's father, C, who was hurrying on the land to warn the boy; and D, a social guest of A's. The windmill falls 100 feet in front of E who is driving his car along the highway at 70 miles an hour in order to get aid for F who has been seriously hurt. E is unable to stop in time to avoid running into the tree. He is hurt and F is thereby deprived of aid. What are the liabilities of A?

State Highway
Comm. v.
Empire
Oil Co.
141 Kan.
161

5. Defendant is an oil producing company. Without negligence on its part, oil and refuse escaped from its wells, floated down a stream and accumulated in the vicinity of a county bridge over the stream. County employees, who had authority to destroy noxious weeds that "may be injurious to the highways or the best interests of the farming community", set fire to weeds sixty feet outside the highway. The fire spreads to the stream, ignites the oil and refuse which had collected there, and destroys the bridge. Discuss the liability of the defendant to the County.

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6. A, believing it to be advantageous to his friend, B, to purchase shares in the X Company, tells B that it is producing oil. A believes this, having been told so by C, the stock salesman of X Company in selling shares to A. C knew it was not true but believed oil would be struck. Relying upon A's statement and a favorable report upon X Company by his bank, B sends a check to C asking for 100 shares which C immediately sends him. Two days later oil is struck but the cashier of the company absconds with all its cash assets and the shares drop 50 points. Discuss the rights of B.

7. Plaintiff, a chauffeur, had been the victim of a hold-up and shooting, suffering serious injury. Defendant sponsored a radio broadcast in which the plaintiff's name was used dramatizing the affair. On hearing the broadcast the plaintiff suffered mental anguish and physical shock which resulted in impairing his ability to drive and caused him to be discharged from his job. What of the defendant's liability to plaintiff?

Mau v. Rio Grande 28 F. Supp. 845; 38 Mich. 4R. 748.

END