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T. C. Williams School of Law, University of Richmond: Torts II Exam, 28 Aug 1947

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UNIVERSITY OF RICHMOND LAW SCHOOL

TORTS II EXAMINATION

August 28, 1947

Professor Doubles

1. Hiram Isbell Ignatious, a street cleaner in Hillsdale, a city of 20,000 population, recovered from a severe case of typhoid fever, but was thereafter ascertained to be a typhoid carrier. Gabby, a newcomer to Hillsdale and stenographer at the hospital, somewhat familiar with the record, the name and the facts, but not knowing the patient nor his occupation, made the following statement to a group of her friends at a bridge party: "One of our former patients, H. I. Ignatious, has just been declared a typhoid carrier. Poor fellow, I feel sorry for him." As a result, several of the women who heard the remark stopped buying milk from the Star Dairy, owned and operated by Horatio Ichabod Ignatious, and he was so shunned at the Country Club that he was forced to resign through humiliation. Discuss Gabby's liability, if any.

2. In California, D, the recipient of the Congressional Medal for valor during the War, and a very remote 4th or 5th cousin of Susie, was in love with her, but Susie, although fond of him, would not consent to marry him. Susie fell in love with C, an architect from Detroit, and, with her parents' consent, became engaged to marry him. D thereupon wrote the following letter to the parents of Susie: "As a relative and a soldier, I find it my duty to advise you that your prospective son-in-law was a coward during the recent War." As a matter of fact D did have a reputation of being a draft dodger in Detroit, but it was also a fact that he was an F.B.I. agent in that city during the War and used his draft dodging reputation as an aid in undercover work. Susie married C, and he was a welcomed son-in-law. Discuss D's liability, if any.

3. Copper, while a member of the police force, had arrested Ditto on two occasions for obvious speeding through the city streets. Later Copper resigned as policeman to operate a grocery store. One day Telltale said to Ditto: "I saw Copper racing down Broad Street and through a red light at least 60 miles an hour today." Thereupon Ditto caused a warrant to be issued charging Copper with "careless and reckless driving." Copper was arrested, but the case was dismissed when neither Ditto nor Telltale showed up for the trial. It developed that Telltale later had told Ditto that he (Telltale) couldn't actually testify that Copper was guilty of the acts charged. Discuss the rights of Copper, if any.

4. Servio owned a small triangular piece of land on a street corner adjoining the land of Domino. The land was useless to anyone except Domino who was very anxious to get it so that his tract would run to the corner. Servio offered to sell it to Domino for \$500, a fair price, but Domino counter-offered \$100 which Servio refused. Domino then bought up some debts owed by Servio to various creditors, and when Servio, who was insolvent, couldn't pay them, Domino instituted a bankruptcy proceeding against Servio. Servio moved the court to dismiss the bankruptcy proceedings. What judgment?

5. Danby was not on good terms with Goodman, his neighbor, and had said to him: "It will suit me fine if you never set foot on my land again." Danby, who had contracted with the Seaboard Oil Company for installation of an oil-burner, left town with his family on August 1 for a two weeks vacation. On August 3, Digger, an employee of the Oil Company, dug a hole 6 feet long, 4 feet wide, and 4 feet deep on Danby's land into which an oil storage tank was to be placed the next day. Just as Digger completed the job an electric wire, which had become worn due to rubbing against a tree limb, broke and fell on Digger who suffered severe burns and shock therefrom. About mid-night the same day, Goodman, who knew Danby had left the house unoccupied, saw a small fire in Danby's house, and he ran over hurriedly to see if he could gain entrance, fell in the excavation and broke his leg. The fire went out ultimately of its own accord doing about \$100 damage. Discuss the liability of Danby, if any.