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T. C. Williams School of Law, University of Richmond: Torts Exam, 13 May 1947

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UNIVERSITY OF RICHMOND LAW SCHOOL

TORTS EXAMINATION

May 13, 1947

Professor Muse

1. A, a stranger, while walking near B's barn over B's open and unfenced fields, heard loud cries. He ran into the barn where he found B lying on the floor and C threatening D with a gun. A struck at C with a pitchfork. D, who with B and C had been rehearsing their parts in a melodrama, rushed at A as soon as he saw what was happening in order to prevent serious harm to C. In the ensuing struggle A stepped back onto a trapdoor with defective hinges and fell into the manure cellar. Despite A's cries that he could find no way out, B, C and D left without letting down a ladder. After feeling around in the dark, A finally made his escape through a door. What torts, if any, have been committed?

2. A takes his automobile to B for repairs. He goes for it with his friend C and together they start for home. In approaching a railroad crossing, A fails to look or listen for a train and drives upon the track. There the automobile stalls because of a loose ignition terminal which B had carelessly failed to tighten. A and C remain in the car and their interest in getting the car started prevents them from hearing or seeing an approaching train, the crew of which had not signaled as required by statute. Upon seeing the train 100 yards away, C jumps from the car and sprains his ankle. A is slow in responding to the danger and is killed as the train strikes the car. The impact damages the car and the locomotive. What are the rights and liabilities of the parties?

3. A, a druggist, negligently hands X a bottle of poison labelled "Medicine". A soon discovers his mistake and telephones at once to X's office. B answers the phone and informs A that X has stepped out of the office for a moment. Thereupon A tells B of the poison and B replies that he will tell X at once. B is a business competitor of X, and he decides to withhold the message from X. B also tells his secretary, C, who is present, not to tell X. Both B and C keep silent. X takes the poison that night and dies as the result. Discuss the liabilities, if any, of A, B and C.

Cause X
4. A drives a horse which he has reason to believe is likely to injure horses in the vicinity by kicking them, but which he has no reason to believe is likely to kick persons. A ties the horse to a hitching rack in a place where there is danger of the horse kicking horses passing by. The horse kicks at a passing pedestrian, misses him and strikes another horse in the ribs. The other horse, when kicked, becomes startled and runs away in spite of the efforts of its owner and rider, Miss Brown, to bring him to a halt. When the horse finally stops, Miss Brown dismounts uninjured but immediately faints from the excitement. When she regains consciousness, Miss Brown is hysterical and three weeks later has a miscarriage. To what extent, if at all, is A liable to Miss Brown?