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T. C. Williams School of Law, University of Richmond: Torts Exam, 17 May 1948

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UNIVERSITY OF RICHMOND LAW SCHOOL

TORTS EXAMINATION

May 17, 1948

Professor Muse

1. A's valuable dog, which was well-known in the neighborhood, snatched up B's fur neckpiece and ran toward C's chicken yard. B and her husband, D, chased the dog onto C's land. C was sitting on his porch in a wheelchair and, fearing that the dog would kill his chickens, discharged both barrels of his shotgun at the dog, killing the dog and frightening D. C then pointed the gun at D and threatened to shoot him if he moved. B had gone out of sight in another direction to head off the dog. But, hearing the shots, B returned and was terrified to find C pointing the gun at her husband. Later B became hysterical and for months suffered from loss of weight and a nervous, run-down condition. After a few minutes C ordered D and B off his land but forbade them to pick up the neckpiece. What are the liabilities, if any, of all the parties?
2. A, the driver of an ambulance containing B, a seriously wounded man, sees C, a child of four, run into the road just ahead of the ambulance. The child was in the custody of D, his parent, who was not looking at the child at the moment. To avoid hitting the child, A swerves suddenly to the left and collided with a car driven by E, who was passing A's car without warning, and further injures B. What are the liabilities, if any, of all the parties?
3. A, while carefully driving home from a dance, struck B, a pedestrian. A put B, who was unconscious, into his car and started to a hospital. On the way, fearing prosecution for the accident, he removed B from the car and put him in the doorway of an office building. Several hours later C, an unlicensed driver, fell asleep at the wheel. His car ran wildly onto the sidewalk and over B's legs, breaking both. When B arrived at a hospital, it was found that the first injuries had been greatly aggravated by the delay in medical care. Three months later B left the hospital cured. What are B's rights, if any, against A and C?
4. A drove his automobile to the door of B's house to collect a debt which B had previously refused to pay. Not finding B in the house and thinking he was working on the farm, A drove across B's fields on a well-marked farm road. The road led over a bridge which appeared to be safe to cross but the foundations of which had rotted, as B knew. It broke under the weight of A's car. In the fall the gasoline tank was punctured. The gasoline escaped, caught fire, floated down the brook and set fire to two bathhouses, one belonging to B and the other to C. What are the rights, if any, of the parties?

5. A rope manufacturer, A, puts out a rope of substantial tensile strength, marking the containers to indicate the low strength. During shipment the marks indicating the strength are so smeared as to be undecipherable. A retailer, B, ignorant of the lack of strength, sells the rope without warning to C. The rope is borrowed from C by D to use in descending into a well and breaks under D's weight. D falls to the bottom substantially unhurt. E, a passerby, hears D's cries and starts to his assistance. As E steps into the street without looking where he is going, he is run over by a negligent automobile driver, F, with the result that, no other help coming, D remains in the well for a day and becomes ill. What is the liability, if any, of all the parties?

6. The students in the Torts class have the custom of awarding each week a toy monkey to the member of the class who pulls the biggest "boner" in class, and that student is known as the "monkey of the week". At commencement exercises, when prizes and honors are awarded, the dean calls for Mr. Sneeze to come forward and, after explaining the custom to the audience, presents him with a live monkey and dubs him the "monkey of the year". Mr. Sneeze becomes enraged and jumps at the monkey causing it to escape from the dean's control and bite A, a spectator. In fact, all of Mr. Sneeze's questions, answers and comments in class have been highly intelligent. What, if any, is the dean's liability?

END