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# T. C. Williams School of Law, University of Richmond: Torts Exam, 24 May 1949

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Answer five questions

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UNIVERSITY OF RICHMOND LAW SCHOOL

TORTS Examination

May 24, 1949

Professor Muse

1. Exploring his newly purchased farm, A, mistakenly thinking he is on his own land, picks wild blueberries on the land of his neighbor B. The latter, who at other points on his land had placed signs inviting the public to enter, sees A, whom he dislikes, and coming up behind him, seizes the pail in which are the berries A has picked, pours out the berries on the ground, stamps on the pail and tells A to "get out". A, still believing he is on his own land, resists and knocks B down, ~~who retaliates by causing his dog to bite and seriously hurt A.~~ What liabilities, if any, inter se? *why, or why not?*
  
- X 2. Action for wrongful death. The A Company manufactured an article of fire-works called a "Spit Devil". It contained a quantity of deadly poisonous substance, not unpleasant to taste, sufficient to cause death if swallowed. It was shaped like a circular lozenge, about an inch in diameter and an eighth of an inch thick. A sold to B, a retailer, a quantity of these Spit Devils wrapped in plain red tissue paper and with no poison label or warning on the cartons in which they were packed and shipped. There was a conflict of testimony whether B, the retailer, had actual knowledge of the presence of the poisonous substance in the article. B sold one of them to C, the three and a half year old son of the plaintiffs. C put the article in his mouth, swallowed some of the poison and was fatally poisoned thereby. Discuss the respective liabilities of A and B. (Cf. Victory Sparkler & Specialty Co. v. Latimer (1931) 53F. (2d) 3).
  
- \* 3. A, the owner-driver of a taxicab having defective brakes, was carrying as a fare, B, a young woman of twenty-five who was apparently under the influence of liquor. B told A she was suffering from diabetes and would collapse unless she had insulin promptly, and asked A to stop at a drug store and try to obtain some. A stopped the cab and went into a drug store, leaving the motor running in violation of a criminal statute which forbade the parking of any automobile unless the motor was stopped and the brakes set. B, who was not diabetic but intoxicated, drove the cab away. While B was driving, C, a child of six, ran into the path of the car. B applied the brakes and would have stopped in time if the brakes had been in working order, but because they were defective, hit and injured C. What are the liabilities of A and B? *if damaged car!*
  
4. A, a rich bootlegger, carrying contraband, is caught in a severe blizzard. Fearing that he cannot reach the nearest town, he enters B's unoccupied summer cottage. He builds a fire in the fireplace, the chimney of which, unknown to him, is defective. The cottage burns and the fire spreads 200 yards to C's house, in which C has illegally stored explosives. C's house is temporarily occupied by a tramp who is killed by the explosion. What torts, if any, have been committed?

Continued

5. A owned and operated a garage with the door abutting the sidewalk of a city street. There was a chain hanging close to the inside of the open door of the garage. The chain was charged with a dangerous current of electricity because of the failure of A to insulate properly the electrical wiring in the garage. B, a six-year old boy, while standing on the sidewalk reached over and touched the chain with a toy gun which he held in his hand and received a shock which caused his instant death. Is A liable? (Cf. Ruocco v. United Advertising Corp. (1922) 98 Conn. 241).
6. At a busy highway intersection two motorists, A and B, both driving negligently, collided. A was thrown senseless to the street. B was badly shaken up, but not otherwise hurt. B's guest, C, was also thrown out and rendered helpless by a broken leg. D, driving a bus, could have seen the collision in time to stop, but his attention was momentarily diverted by some incident on the sidewalk. When he did observe the effect of the collision it was too late to avoid running over the men. In this mishap A received a broken leg, C was killed and B, who was endeavoring to drag C to the sidewalk, also received injuries. Discuss the tort liabilities of the several parties.

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