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T. C. Williams School of Law, University of Richmond: Torts Exam, 30 May 1953

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UNIVERSITY OF RICHMOND LAW SCHOOL

TORTS Examination

Professor Muso

May 30, 1953

1. A returns from the army and meets his former fiancée B, who has thrown him over. He begins by saying: "You two-timing slut". She slaps his face and then has hysterics. A shakes her to bring her out of what seems to be a fit, when C, her current passion, coming around the corner, sees the tableau and knocks A down. B becomes ill and A dies, an old wound having been opened by C's blow. What are the liabilities?

2. Mr. and Mrs. C were camping in their trailer on the right of way of a public highway, at a point about 20 feet from the travelled portion thereof. Mr. C was lying on a cot under an awning; his wife was lying down inside the trailer. The defendant drove his delivery truck by on the highway. The truck was hauling oil, and 6 ton gallon cans of oil were loaded on the side of the truck and held in place by a side board. The fasteners holding the side boards were worn and fit loosely. One of the fasteners worked loose causing one of the cans of oil to fall to the road. As it struck, the top of the can was blasted off by an explosion and hurled through the air, striking on the head and severely injuring Mr. C. Mrs. C heard the noise and commotion, saw something fly through the air, and heard her husband cry that he had been struck. She concluded that he had been attacked, jumped up, grabbed a pistol and ran to the trailer door, where she saw her husband stunned and bloody. Due to the shock, fright and excitement, Mrs. C suffered a miscarriage. What, if any, is the tort liability of defendant to Mr. and Mrs. C? (Cf. Carey v. Pure Distributing Co. (1939) 133 Tex. 31)

3. A leaves some old boards with projecting nails in his vacant lot. Some seven-year old boys living in the neighborhood find them, play with them a while, and as a joke place one of them, with the nails up, across the nearby road. B, driving an automobile at an excessive speed, sees the board and in trying to avoid it runs over one of the boys, who brings an action against A and B. What judgment?

4. A is cleaning a rug in a small office with cleaning fluid from a can marked "Universal Cleanser, manufactured by U. C. Mfg. Co." but otherwise unmarked. The fluid was purchased from the Jones Hardware Co. A left the door open to allow the heavy fumes to escape. B, who was trying to find a friend in the building, enters, smoking a pipe. The fumes ignite and A and B are hurt. C, who was passing in the hall, responds to B's cries of pain and is hurt in attempting to extinguish the flames. What are the liabilities?

5. A buys Blackacre on which there are old shade trees close to the highway, some of them in such condition that they may be expected to fall at any time. Six months later one of these trees is blown down in a heavy, unseasonable storm. The tree falls 100 feet in front of B, who is driving his car at the rate of 75 miles an hour in order to get aid for C who is lying back down the road severely injured. B is unable to stop in time to avoid running into the tree. B is hurt and C is thereby deprived of aid. Discuss the liability of A to B and C.

6. A negligently skids while going down hill 100 feet from the top so that his car lies broadside to the road. B comes over the brow of the hill at an excessive speed, applies his brakes as soon as he sees A's car, but skids and collides with it. A, B and a passenger in B's car are hurt. What liabilities?

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