

5-20-1954

## T. C. Williams School of Law, University of Richmond: Torts Exam, 20 May 1954

University of Richmond

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4 hrs. 12:30 P.M.

Return with answers.

UNIVERSITY OF RICHMOND LAW SCHOOL

WORTS Examination

Mr. Muse

May 20, 1954

1. A shoots at B intending to kill him. The bullet misses B and strikes and destroys a costly vase belonging to C which is being carried by D. B was not aware of the incident until some time later. D was greatly startled but not in fear of harm, and he was in no wise physically injured. What, if any, is A's liability? Why? Why not?
2. A city ordinance provides that no operator of an automobile shall unnecessarily sound his horn, open his muffler or make any other unnecessary noise. A, aged 19, is a "hot rod" enthusiast. He drives his "hot rod" through a familiar public park in the city at 50 m.p.h. (the speed limit is 30), the muffler open and the horn sounding. Along the side of the road is a bridle path. B is breaking in a skittish, spirited horse. Frightened, the horse throws B, who is injured in the fall, and runs into the park where it tramples and injures C who is resting on the grass some 200 feet from the bridle path. The horse proceeds across another street and collides with a truck being carefully driven by D, resulting in damage to the horse and truck and injury to D. What, if any, is A's liability?
3. In 1944 A negligently drove his car against B and fractured his leg. B was attended by C, a competent physician, who put a cast on the leg. A few days later the leg began to swell making the cast too tight, as a result of which there was severe pain, a fever, and numbness of his toes. This was reported to C who refused to examine the cast, telling B it would be all right in a little while. It was later discovered that, due to the swelling, the cast put pressure on some nerves causing a lack of circulation which in turn caused open sores to form through which germs entered. As a result of the germs, in 1946 cellulitis developed necessitating the amputation of the leg. May B recover from A or C for the loss of his leg?
- ~~omit~~ 4. On a foggy night, with sleet and a fall of snow, A negligently collided with a properly parked car and as a result his car came to rest at an angle with his right front wheel near the curb but the rear end toward the middle of the street. In this impact A was knocked unconscious, and he slumped over with his weight on the horn which began to blow full blast. At the sound of the horn many neighbors, including B, went out to see what had happened. While others rescued A, B stood to the left of the car looking on. After A had been taken safely to the sidewalk, C, another driver, drove his car against A's car and B damaging both. Although otherwise driving carefully, C did not see B or the car because of inferior lights. Is C liable to A or B?
4. Children have been playing in an unfinished house being built by Contractor on the property of Owner. No barriers have been erected against them. A small child of 3 entered, went down a temporary ladder into the basement, closing the trap door behind him. Because of fear in the dark, the child began to scream as though he had been seriously injured. His mother heard him, rushed into the house but spent several minutes in frantic search before she discovered the only access to the basement. She rescued the unharmed child but, because of the great emotional stress, suffered a miscarriage. May the mother recover for the stress and miscarriage?
- ~~omit~~ 6. Oil Co. operates a large refinery in a relatively isolated locality. A, a farmer, bought land near the refinery. He soon noticed some oil and waste matter were seeping into his land, polluting part of his water supply. Upon complaining to the company, A was told that the company took every possible precaution but a certain amount of seepage was inevitable. For a while things seemed to be better, but then after an abnormally heavy rainfall A's chickens and pigs died as a result of drinking from the polluted water supply and A was poisoned by the drinking water from his well. May A recover from the company?