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T. C. Williams School of Law, University of Richmond: Torts Exam, 16 May 1956

University of Richmond

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- 150 1. A goes on an island in a river 100 feet wide to shoot ducks, as he has done for a number of years. B, who had just purchased the island, rows across to it and finding A's boat on the shore sets it adrift. When A appears, B backs his own boat into the stream. Thereupon A, realizing that he had been marooned, jumps into the water and in an effort to get into B's boat overturns it. What liabilities, if any? Why? 45
- 150 2. In driving home, A came to a railroad crossing across which a railroad work train was taking on logs. A waited 15 minutes, beyond which time a statute makes it a crime to block a highway, and then turned off to the left on an abandoned road in order to reach home in time to get lunch for her small children when they returned from school. This road ran parallel to the railroad for a 1000 feet, then turned at right angle, crossed the railroad tracks, and later rejoined the road on which A was originally proceeding. While crossing the track, A was struck by a train which could not be stopped after its crew saw that A was about to cross. May A recover against the railroad? Why or why not? 45
- 2100 3. A rents B a car, representing that the gasoline tank is full, although it is nearly empty. Twenty minutes later, while B is driving in lane 2 of a 6-lane highway (the lanes being numbered 1 to 6 beginning on the right), the car runs out of gas. Heavy traffic prevents B from pulling across lane 1 (to his right) and over to the shoulder before stopping. B gets out and, after noting that the gasoline gauge still registers full (it is stuck), opens the hood and is trying to find the trouble when the rented car is struck from behind by a car driven by C. B is injured and both cars are damaged. C could have avoided striking the rented car had it not been for the fact that his brakes were bad. What liabilities, if any? Why or why not? 60
- 100 4. A, a public-spirited citizen, employs B to protect children while swimming at a beach. B gets thirsty and asks his friend, C, to take his place while he gets a drink, stating that he will be right back. C agrees, but after 5 minutes, thinks of a pressing engagement and leaves. Before B returns a child is drowned. What are the liabilities, if any, of A, B, and C for the death of the child? Why or why not? 30
- 135 5. One night A left his car parked on the highway without any lights. B, driving on the highway, negligently ran into A's parked vehicle. When C, a bystander, saw B's car in flames, he came to B's rescue. C found a gun in B's car and handed it to B. In a crazed state of frenzy and delirium, B shot C, his rescuer. May C recover from A? Why or why not? 30
- 125 6. A, a blind man, has a bottle of whiskey and a bottle of poison in his medicine cabinet. A knows one bottle from the other only by their location on the shelves. B, with intent to cause harm to A, switches the bottles. Not knowing of B's act, C, with the same intent, switches them. Later B's conscience hurts so he goes back and switches the bottles, thinking he is replacing them to their original locations. A mistakenly drinks the poison for whiskey and is seriously harmed. What are the liabilities, if any, of B and C? Why or why not? 45

(Continued over)

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7. Knowing that his horse is vicious, A offers it for sale to B for \$200. B asks A to warrant that the horse is "sound and gentle." A replies, "I never warrant." After further examination of the horse, B paid \$200 for it. Subsequently the horse bites B and B sells it for \$100, which in view of the viciousness is \$50 more than the horse is worth. What rights, if any, does B have against A? Why or why not? 30
 8. As a general rule special damages have to be shown to recover for slander while this is not true of libel. What do you think of this distinction? (Write approximately 2 pages.) 30

END

Course

1. actual ✓
2. Sub. ✓
3. no rule ✓

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