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# T. C. Williams School of Law, University of Richmond: Torts Exam, 23 May 1951

University of Richmond

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UNIVERSITY OF RICHMOND LAW SCHOOL

TORTS Examination

May 23, 1951

Professor Muse

1. A came to B's house carrying a portrait of B's old enemy, X. When B opened the door, A showed him the portrait, and B spit on it. A drew it back quickly in an unsuccessful attempt to protect it, and struck and injured C, A's wife, who had accompanied him. A then attacked B, knocked him down inside the house, and grappled with him on the floor. C stepped inside, closed and bolted the door to prevent neighbors from interfering, and helped A subdue B. As soon as B had been subdued, A and C left, taking with them the portrait, which had been ruined in the scuffle.

What torts have been committed?

2. A rented from B an automobile in order to get his damaged hearing aid repaired. While on a four track railroad crossing the car stopped because of lack of gasoline caused, as was later discovered, by a leak in the gasoline line. Excited, A forgot that the starter would move the car and he tried to push it off the tracks. He failed to hear an approaching train which had not signalled as it should have done. Looking up and seeing the engine 50 feet away, he jumped from the tracks but was struck by debris from the automobile. The locomotive was also damaged. What causes of action?
3. *Cause*  
*action*  
*based*  
*on*  
*imputed*  
*neg*  
A, driving along the highway negligently collided with a car driven by B. No personal injuries were suffered by B at the time. B drove his car into a nearby garage for inspection. M, the mechanic, after examining the car, reported to B that the collision had caused only superficial damage to the front of the car and that it was safe to operate. In fact, unknown to M, the collision had jarred loose a pin in the steering gear. B thereupon drove off and as he attempted to round the corner the steering apparatus became unmanageable and he collided with a car driven by C who was operating without a driver's license but otherwise driving carefully. B and C both suffered personal injuries and their cars were wrecked. What are the rights and liabilities of all the parties?
4. Ann went to B Department Store to buy a dry cleaning fluid; told the salesgirl that she wished to clean some flowered chintz, the colors in which might run if cleaned improperly; and asked her to recommend a fluid. The salesgirl gave Ann a can, painted bright blue and white, which bore the legend:

PARIS DRY CLEANER  
SAFE ON ANY FABRIC  
ECONOMICAL

Instructions: Rub with clean, white  
cloth and allow to dry.  
Cole Mfg. Co. Richmond, Va.

While Ann was applying the cleaner to a large sofa in liberal quantities, D, a stranger, rushed into the house crying, "Where is the phone, there's been an auto accident. The man is dying." While waiting for his number to answer he struck a match to light a cigaret. The fumes from the cleaning fluid exploded. Ann, D and the contents of the room were severely burned. Thinking it was all her fault, Ann worried herself to death. What causes of action?

Examination continued

5. In the Fitz Hotel the barber shop, which was operated by an independent proprietor, and the men's washroom were reached by a flight of stairs edged with brass strips to protect them from wear. A, who was on his way to a conference in another building, started down the stairs to use the men's washroom. A fell forward, striking B, who was on his way to the barber shop. B's arm was broken. A struck his head in the fall and was knocked unconscious. A was placed on a nearby settee by two hotel employees but as a result of a misunderstanding as to who would summon the doctor, A received no further aid for half an hour and died without recovering consciousness.

An investigation brings out the following additional facts: (1) The hotel instructed its carpenter to check the brass stair edgings once a week. During the week in question the regular carpenter was sick, and the edgings were not checked by the substitute because he received no instructions concerning them. (2) A week after the accident the hotel removed the brass edgings and carpeted the stairs. A's estate and B have brought separate actions against the hotel. Is the hotel liable?

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