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Fall Quarter, 1970

Professor Vandall

TORTS I

I. (20 points)

On a bright clear day, Jones was piloting his own small piper cub airplane over South Georgia. Suddenly, without any act or carelessness on the part of Jones, the engine stopped. He glided the plane past a schoolhouse, an interstate highway and a small pond. He touched down in farmer Smith's corn field destroying numerous young corn stalks in the process. The field was very rough and Jones' plane finally came to a stop by colliding with Smith's barn. The damage to the field and the barn was \$3,000. It is shown that Jones had followed all of the pre-flight requirements, such as checking the gas and oil. Discuss Smith's rights against Jones. Assume that there is no state or federal statute making Jones strictly liable in this case.

II. (20 points)

During the evening of June 26, 1970, while White and Green were discussing the artistic abilities of a local dancer at the Grass Roots Bar, they got into a heated argument. They decided to step outside in the alley to settle the matter. White punched Green and Green pulled out a knife and stabbed White. Brown was walking past the alley and ran over to help. He kicked White to prevent him from hitting Green. Green lunged at Brown with the knife and White, who had thought that Brown was Green, hit Brown on the back of the head with a board. Gray heard the noise, walked over and watched the action. He pulled out a pistol, pointed it at the three men, and yelled, "It is a good thing that you have stopped or I would shoot you."

Discuss the rights and liabilities of each party. Assume that each of the parties was an adult male.

V. (20 points)

Willy is a very wealthy 90-year-old man who lives on a quiet rural estate near Atlanta. He has lost the use of his legs and has only enough energy in his arms to feed himself. Willy is confined to a wheel chair. Freddy is a very active eight-year-old boy who lives next door to Willy. They have been neighbors for five years. Willy has several servants, but on July 8, 1969, they went on various errands and left Willy alone in the house watching T.V. Freddy quietly entered Willy's house. He walked up to Willy and said, "You stinking old man - why don't you die." Freddy grabbed the handles on the wheel chair and carefully pushed the wheel chair - with Willy in it - out the door and down the ramp located at the back door. This was too much for Willy and he fainted. Freddy pushed Willy down the walk in the back yard and into Tom's yard. Tom is one of Willy's neighbors. The yard was surrounded by a wire fence and Freddy locked the heavy gate as he left. Two hours later, Willy awakened to find himself at home in bed, but with a slight sunburn.

Discuss Freddy's liability to Willy. Do not discuss the problems of trespass to real property or battery.