

W. B.

M. Jones

T O R T S I

EXAMINATION

Kemeth S. Tollett, Instructor

1. White slapped Brown during an argument. A week later Brown observed White in a tavern. Immediately Brown drew a knife in one hand, holding it in a position to strike at White. He lunged at White, and with the other hand pushed him to the floor. White drew a knife, intending to strike back at Brown, but while rising his foot accidentally slipped and his knife injured Green who was standing nearby. Green brings an action against White for damages. What judgment? Why.
2. John Parsamour, an American of French descent, invited Daisy Chang, an American of Chinese descent, to a party at his home. John P told Daisy C that many other fellows would be at the party. Daisy C said that this met with her approval. Daisy C came to John P's house with great expectation for an evening of fun. No one was at John P's home but John P. As soon as Daisy C arrived John P locked all of the doors and attached the key to a rosary around his neck. John P made an immoral overture. Daisy C said that he was a fraud because only he was there. John P pressed on. Daisy C said she wanted to go. John P said that he would let her leave only if she submitted. Daisy C looked around for a window to jump out and noticed that all of the windows were very small and near the ceiling of the rooms. Daisy C submitted. Daisy C brought action for assault and battery and for false imprisonment. What judgment? Why?
3. Harold A. Friend was a good buddy of Pliny L. Dogood. Pliny borrowed Harold's convertible blood-red Thunderbird to take his (Pliney's) girl to the second feature at the Cinema. If Pliny had gone straight from Harold's house to his (Pliney's) girl's house and then straight to the movies and then straightwise back the mileage would have been no more than five. After the movie Pliny goes for a joy ride in the country. Pliny parks in a lover's lane about twenty miles outside of town. Police approach Pliny in parked Thunderbird. Pliny panics, pushes starter button, and drives off phrenetically. An one hundred mile per hour chase ensues. Harold's car ordinarily could stand such a grind since he had often gone through similar experiences -- so much so that he frequently had oil changes and major motor tune ups. However, Harold had not done such for sometime and Pliny soon burned the motor out. The blood-red Thunderbird had to be towed into town. Pliny ordered it repaired in a garage. The garage stayed open all night with a full crew. The car was repaired, i.e., the motor overhauled and made as good as new. The bill for repairs was \$500.00. Harold demanded his car from Pliny the next morning. Pliny said it was in a garage at a designated address. Harold went to get it but was told he could have it only after paying for the repairs. Harold brings action for conversion against garage and Pliny. Decision. Reasons.