

College Name: Faculty of Law.  
Course No: LWEN 2318  
Course Title: Law of Tort.  
Instructor Name: Eman Al Burbar  
Date: 2019/05/28  
Time: 2 hours.

University of Palestine



Final Exam  
The Second Semester – 2018/2019

Student Name: \_\_\_\_\_

Student No.: \_\_\_\_\_

No. of Questions: (5 )  
Using Dictionary (No)

**Question One:**

**(10 Marks)**

**Decide whether the following sentences are True (T) or False (F) with correction.**

- 1- A policeman who arrests a person under a warrant acts unlawfully and commits trespass ( ).
- 2- Interference with the plaintiff's use or enjoyment of land through smells, smoke, dust, noise are examples of public and private nuisance ( ).
- 3- The plaintiff don't need to prove that an innuendo specially supplicated to him in order to consider the words are defamatory ( ).
- 4- A police officer may affect a lawful arrest when he has reasonable grounds for believing that arrest is necessary to protect a child or other person ( ).
- 5- Where the defamatory statement is directed to a class of persons everyone belonging to the class of persons is entitled to say that the words were spoken of himself ( ).

**Question Two:**

**(10 Marks)**

**Explain:**

The public nuisance,  
Types of private nuisance and;  
The distinction between public and private nuisance.

**Question Three:**

**(10 Marks)**

Define the defamation,  
Explain its Requirements and;  
Mention the forms of defamation and make comparison between them.

**Question Four:**

**(10 Marks)**

"The occupier is the usual defendant in private nuisance". Explain the cases which the occupier will be held a liable at. **"Bring a one legal case as example for anyone of them"**.

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### Question Five:

**Analyze the following cases, submit the legal principle and the judgment of the court.**

1. **In Hartley v Mayoh (1954)**, a fire broke out in the factory premises of the first defendants. On arrival at the scene, one of the officers of the fire brigade went to locate the main electrical switches in order to cut off the electric supply to the premises. He was directed to the main switchboard by the factory manager and switched off two master switches but was not directed to two smaller switches. The effect was that the electrical current was not switched off to the entire premises. One of the fire officers was electrocuted and died.
2. **In Robinson v Balmain Ferry Co Ltd (1910)**, the defendants operated a ferry with turnstiles for payment of the fare on one side of the river. Notices stipulated that a penny must be paid on entering and leaving the wharf. The plaintiff paid to enter but changed his mind about taking the ferry. Then he refused to pay another penny to exit the wharf and the defendants prevented him from leaving.
3. **The leading case is Gorris v Scott (1874)**, A statutory order required parts of a ship occupied by animals to be divided into pens of a specified size. The defendant violated this order and the plaintiff's sheep were washed overboard. The order was intended to prevent the spread of disease, not to prevent animals from being drowned.
4. **In Herd v Weardale Steel Coal and Coke Co (1915)**, the plaintiffs were miners who refused to complete their shift because they considered the work to be dangerous. The defendants' manager refused for some time to allow the lift to be used to take the men up to the lift shaft.

*Good Luck*