1960

Equity: Final Examination (January 19, 1960)

William & Mary Law School

Repository Citation
https://scholarship.law.wm.edu/exams/404

Copyright © 1960 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.
https://scholarship.law.wm.edu/exams
EQUITY

Final Examination

Tuesday, Jan. 19, 1960, 9 a.m.

Three hours - six groups of questions. If in doubt as to meaning of question, or facts to be assumed, state your doubt and answer both ways. Apportion your time, and do not spend too much on the early questions. You may leave spaces to return to later if you have more time. Answer questions in order given. Take the honor system pledge by putting your number in the space provided for honor pledge signature. Before commencing to write analyze the question carefully and make memo of points to be covered.

1. (a) P, a prospector, is $1200 in debt, and has only personal belongings as assets. P pays P's debts, and advances P $5000 to go to Alaska and prospect further, it being agreed in writing that L will have a one-fifth interest in all mineral properties acquired by P. P goes to Alaska and acquires in Alaska in his own name mineral properties worth $4,000,000. Some of the properties are sold and reinvested in the older states in P's name. P refuses to make any transfer or render any accounting to L. What if anything will a court of equity in an older state do for L, it being possible to get personal jurisdiction over P, and some of the reinvestment properties being in the state?

(b) Contract between X and Y contains a provision for liquidated damages. What points will you look for to determine what equity will do in the event of breach?

(c) X, an adult, and Y, 20 years of age, contract in writing for the sale of land by X to Y which X expects shortly to acquire. Three months later X buys the land. Shortly after his 21st birthday Y ratifies the contract, which under the law of the state renders his contract no longer voidable. Thereafter Y refuses to perform. X desires to complete the sale. What will you advise as to what if anything equity will do for him?

2. (a) X contracts in writing to sell a specified quantity of timber from X's land to Y each year for the next ten years, the price to be the average of the price paid by the three largest lumber mills of the county under similar conditions. Y refuses to perform the contract. What if anything will you do for X as his attorney?

(b) X and Y enter into two written contracts: the first for the sale by X to Y of a moving and storage business for a price to be fixed by arbitration; and the second for the sale by X to Y of a furniture business for a stipulated price plus an amount to be fixed by arbitration for several delivery trucks. Y refuses to perform. What if anything will equity do for X?

(c) X devises his real property to A, and bequeaths his personal property to B. Thereafter X contracts in writing to sell Whiteacre to F, and for consideration grants G written option to purchase Blackacre. After X's death F completes the purchase of Whiteacre and G elects to exercise the option and completes the purchase of Blackacre. What is the situation between A and B?

3. (a) Over the objection of X, Y is planning to publish in book form photographs sent him and letters written by X before X attracted national attention as a war hero. What is the situation in equity?

(b) X sees Y erecting a-story brick building on land next to X's, but does not know that the wall extends three inches over on X's land. X discovers this after completion of the building. If any action is taken by X his title will be questioned. What is the legal situation?

(c) X holds title by adverse possession to land bordering on R river. Y is building a dam higher up the river which will take large quantities of water from the river, but which does not interfere with any use of the water which X is making or contemplating. What if anything will equity do for X?
4. (a) Your client is very anxious to have declared unconstitutional a statute which makes each day of operation of his business a separate criminal offense. What points will you look into in order to determine how to proceed?
(b) How do bills of peace, bills quaestion, and bills to quiet title differ?
(c) X comes to you and says that A and B are making claims against him which he feels are contradictory. X feels that he owes one or the other, but not both. What points will you look into in order to determine how to proceed in his behalf?

(a) X and Y enter into written contract for the sale by X to Y of land, Y to render specified services and pay a certain amount at the end of a year. Y immediately enters into possession and makes improvements. Before the year is up Y becomes insolvent and X learns that Y never intended to render the services or make the payment. What is X's position in equity?
(b) Plaintiff and defendant entered into written contract for the sale by defendant to plaintiff of several large machines for $10,000 each, to be delivered in New York for export. After the making of the contract the government prohibited their export. The plaintiff had made a down payment when the contract was executed, but was in default on a later payment agreed to be made. The defendant resold the machines to others for $12,000 each. What is the situation in equity?
(c) Plaintiff owner of land entered into oral agreement with defendant that defendant would rent the land for three years. The plaintiff made alterations in buildings at the request of defendant as part of their agreement. The plaintiff did not make any use of the land after the agreement. Without having taken possession the defendant repudiated the agreement. Several months later the plaintiff sold the land to another. What is the situation in equity?

(a) X is in possession of land. At the end of a deed from Y to Z in the chain of title was inserted a clause which Y claims gave him a right to revoke the deed by his will. Y executed and delivered to T quitclaim deed which stated that it was transferring to T this power to revoke. What is the situation in equity?
(b) X brought a patent infringement suit against C Corporation, and C Corporation was enjoined from infringing. Y and Z were employees of C Corporation, but were not named as defendants. Z continues in the employ of C Corporation, and causes the patent to be infringed in the course of C Corporation's business. Y left the employ of C Corporation, and started his own business. In the course of Y's business E, Y's employee, causes the patent to be infringed. Motion to punish C Corporation, Y, Z and E for contempt. What decision?
(c) X desires to bring suit in state A to enjoin Y from maintaining a dam in state B injuring the property of X. What facts will you inquire into in order to determine where and how to proceed?