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Introduction to Law: Final Examination (January 28, 1963)

William & Mary Law School

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DIRECTIONS: Read the following statements carefully, then answer the specific questions numbered with Arabic numerals in the spaces provided. Be sure to answer only the questions asked. Make your answers as brief as possible.

I.

D, a known criminal is seen fleeing from a jewelry store, his pockets bulging with watches and a gun in his hand, by a policeman, P, and a private citizen, W. D is immediately apprehended by P and taken to D's house a block away where P searches the house and finds a cache of heroin. D's person is also searched and, in addition to the watches and gun, counterfeit money is found in his wallet.

1. For what crimes, if any, may D be successfully prosecuted? Unsuccessfully prosecuted? Why?

2. Could W have arrested D? Why?

3. Suppose D, prior to his trial demanded a pre-trial conference. Would he, as a matter of law, have been entitled to it? Why?

4. How does the procedure to be used in D's trial illustrate law as a process for resolving disputes?

II.

P, an oil distributor, sends D, refinery, the following telegram: "Accept your ad in today's N.Y. Times to purchase 50,000 gallons #2 fuel oil at \$.15 per gallon as as I have standing orders to sell 50,000 gallons immediately at the standard retail price." In fact P did have such standing orders. D replied by wire: "Your order acknowledged; 50,000 gallons shipped today." However D forgot to notify its shipping department to ship the oil, and when P was late in making delivery his customers cancelled their orders. 1. If P sues D, what will be the measure of P's damages? Why?

II. 2. If the telegraph company had negligently garbled P's message, resulting in D's not shipping the oil, would P have an action against the telegraph company? If so, what would be the measure of P's damages assuming he did not say he had the standing orders.

3. In the portion of our book entitled, "Toward a Theory of Contract Damages", three theories are discussed. In the suit between P and D, which of these theories should the court apply, assuming P wins the suit.

III.

U, labor organization, truthfully claims to have signed as members 51% of the employees of C, a large manufacturer. But C refused to talk to U about negotiating a collective agreement. C also discharges E, one of its employees, who has been active in behalf of U's organizational efforts. These events lead to U's picketing C's premises and to wide-spread fighting, violence and destruction of property.

1. What remedy, if any, does C have against U's picketing, or any aspect of the picketing? Why?

2. What remedy, if any, does U have, and how will it go about obtaining it?

3. What remedy, if any, does E have and how will he go about obtaining it?

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