1970

Introduction to Law: Final Exam (Spring 1970)

William & Mary Law School
I. True or False (one half point each)

1. Humiliation & embarrassment are generally recoverable in a cause of action based upon an unintentional tort.

2. Under the comparative negligence doctrine, a plaintiff who is partially at fault in causing the accident is barred completely from recovering anything.

3. Workman's compensation cases are examples of liability being imposed without any showing of fault.

4. A contract involves duties imposed by law, irregardless of the consent of the individual to be bound to the obligations.

5. A bilateral contract is formed only by the actual performance of the act requested.

6. A counteroffer is treated as a rejection of the original offer.

7. A contract can be perfectly binding as long as only one of the parties has an absolute right of cancellation.

8. A minor must show unfairness before he can disaffirm a contract for necessaries.

9. Unilateral mistake of fact is almost always grounds for relief unless carelessness is involved.

10. The remedy of rescission lies for either fraud or innocent misrepresentation.

11. The law has always favored the free alienation of property.

12. Only the party to be charged need to have signed the writing for it to comply with the Statute of Frauds.

13. Unless the lease prohibits it, a tenant may assign his rights under the lease.

14. The statute of limitations generally starts running from the time at which a lawsuit could be brought on the cause of action.

15. The Court will generally excuse performance in cases of increased burden to perform.

16. If one party to a contract is insolvent, the other party is excused from performing unless and until he receives adequate assurance that he will be paid.

17. The Courts will always enforce liquidated damage provisions in contract, regardless of how much the stipulated damages are as long as all the parties entered into the agreement with their eyes open.

18. An agency relationship can never be implied, but must always be expressly established.

19. A wife is automatically an agent of her husband.

20. A minor can not act as an agent.

21. If a principal denies liability for a contract made in his name by a particular agent, the other party to the contract has the burden of proving the agents authority.

22. If an agent is acting within the scope of employment, he is not liable for torts that he commits, unless they are intentional.
23. An agent for a disclosed principal who properly and effectively binds his principal to a contract is not liable if his principal breaches the contract.

24. When one partner is working in the partnership business and the other is not, the working partner is entitled to a salary.

25. Each partner is liable only up to his investment in the business for all of the partnership debts.

26. A stockholder has a right to see the corporate books for outstanding stock.

27. A director, who votes in favor of an unlawful dividend, will be personally liable to the corporation for the amount paid out.

28. A special warranty deed is the best and most protective type of deed for a purchaser to receive.

29. Even with a quit claim deed to a parcel of real estate, there is an implied warranty of title.

30. Heirs are generally liable for the decedent's debts.

II. FILL IN THE BLANKS (one point each)

1. An example of a crime that does not require any specific criminal intent would be ____________________________.

2. Four of the types of contracts generally required to be in writing by the Statute of Frauds are: ____________________________, ____________________________, and ____________________________.

3. The three types of third party beneficiaries are: ____________________________, ____________________________, and ____________________________.

4. An agency relationship can arise by either: ____________________________ or ____________________________.

5. Two of the duties that an agent owes his principal are ____________________________ and ____________________________.

6. A partnership is created by ____________________________.

7. The stockholders elect the ____________________________.

8. Dividends can only be paid out of ____________________________.

9. The two elements of a gift are ____________________________ and ____________________________.

10. A person dying with a will is said to have died ____________________________.

11. An amendment to a will is called a ____________________________.

12. The husband and wife's marital rights in the others property are ____________________________.
13. The two types of instruments used to encumber (place a lien on) real estate are ________ and ________.

14. The person conveying the property in a deed is called ________.

15. The two parties to a lease are the ________ and ________.

III. DISCUSSION (6 points)

Terry Textbook and Cherrie Campuscenter, students over 21, agreed to go into partnership for the purpose of stealing the proceeds from the collection plate at Church on Sunday. Both needed the money for their tuition. The plan was for Terry to create a diversion and Cherrie would take the money. Two days after the theft, both students were caught. At the trial, since neither had been in trouble before, they were both given only 5 day jail sentences, which both served.

Cherrie had kept all of the money and had applied it to his tuition and some other bills. Terry comes to see you and wants to know if he can sue Cherrie for 1/2 of the money since they had entered into a contract to split the proceeds, both were over 21 and both had served their sentences and paid their debt to society. What do you advise him??

IV. DISCUSSION (3 points)

Sally Scooter drove a motorcycle into Harry Honda’s yard. Harry really liked the motorcycle and offered to buy it. Sally said okay and they agreed on a price of $100.00, payable in one week. Sally gave Harry the bike and caught a cab home. Actually the bike had belonged to Charly Chump who didn’t even know that Sally had borrowed the scooter. When Sally returned and told Charly what had happened, Charly said fine and in one week went to Harry Honda’s to collect. Harry, by this time, had grown tired of the bike and didn’t really want it. When he learned that it was really Charly’s bike, he refused to pay. Charly comes to see you for advice. What arguments or defenses will you suggest to Charly?

V. DISCUSSION (8 points)

Barry Bass was a driver for the Fin Seafood Company. Barry was normally permitted to take the delivery truck home with him at night. One such night he was on the way home and as he was parking, his attention was diverted to one of the many cats that were all running around the truck and he failed to see a little girl behind him, who could have been seen if he’d looked. Barry backed over the girl and she sued the Fin Seafood Company. What result and why??

VI. DISCUSSION (8 points)

Paul Pincher and Sidney Solemn were partners. Paul put up $25,000.00 and Sidney put up $50,000.00 and they shared losses and profits in the same 2:1 ratio. Paul wanted to hire Lilene Luscious, a pretty well built secretary and Sidney did not want to hire her, because of his jealous natured wife. The partnership contract was silent on management hiring, firing etc. What result and why?
VII. DISCUSSION (8 points)

Rudolph Roadrunner was riding down the road and picked up Tom Thumb who was hitchhiking. Rudolph asked Tom if he would like to ride around for awhile and Tom said yes. Rudolph met some friends at a local drive in and they got into a discussion as to who had the fastest car and decided to resolve the question by a race.

Everyone went out to a long straight stretch of road and the cars lined up. Rudolph had asked Tom if he wanted to ride or be a lookout for the police and Tom had replied that he would ride. As the race was underway, Sidney Slicktires, the other driver, took his eyes off the road and swerved into Rudolph's lane, causing a bad accident in which Tom was seriously hurt. Rudolph's driving had been proper (except for the actual racing) in that he had kept his eyes on the road, both hands on the wheel etc.

When the accident happened, the cars also struck a tree which fell across a power line, causing it to fall on Val Viewer, one of the kids that had come out to watch the race, severely burning Val.

Tom Thumb sues Sidney Slicktires.... What defenses will be raised and what result?

Val Viewer sues Sidney Slicktires....What defenses will be raised and what result?

VIII. DISCUSSION (8 points)

Frank Faithful had worked for the Chewy Peanut Butter Co. for 35 years and upon his retirement, Charles Chewy, President of the Company, gave Frank a letter which read: "To Frank Faithful: In consideration of your having worked long and faithfully for the Company for 35 years, the Company hereby promises to pay you $100.00 a month so long as you live, beginning one month from date. Dated January 15, 1970. Signed Chewy Peanut Butter Co., by Charles Chewy, President." Frank thanked Mr. Chewy and told him how surprised and pleased he was over this. The Company made one payment and then refused to make any more payments. Frank Faithful sued....Who will win and why?

IX. DISCUSSION (8 points)

Paul, Peter and Mary had been running a business as a partnership for several years and had gotten deeply in debt so they incorporated. Ronnie Recordmaker, a creditor comes to you and wants to know what his rights are insofar as who he can sue. (He has just received notice of the incorporation). What do you advise him?

X. DISCUSSION (8 points)

A chain of title to a parcel of real estate reveals the following:

<table>
<thead>
<tr>
<th>Document Type</th>
<th>Date of Recording</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quit Claim Deed from A to B</td>
<td>1941</td>
</tr>
<tr>
<td>Special Warranty Deed from B to C</td>
<td>1950</td>
</tr>
<tr>
<td>General Warranty Deed from C to D</td>
<td>1960</td>
</tr>
<tr>
<td>General Warranty Deed from D to E</td>
<td>1970</td>
</tr>
<tr>
<td>Judgment against A</td>
<td>1940</td>
</tr>
<tr>
<td>Judgment against B</td>
<td>1943</td>
</tr>
<tr>
<td>Judgment against C</td>
<td>1955</td>
</tr>
<tr>
<td>Judgment against D</td>
<td>1962</td>
</tr>
</tbody>
</table>

What rights, if any, does E have against A, B, C, and D?
XI. DISCUSSION (8 points)

Grandpa Sanity was 98 years old and seriously ill, so he called his grandson, Hippie Yippie, to his side and gave him a box of love beads and necklaces and peace badges, saying: "Grandson, these are my most cherished possessions, if anything happens to me I want you to have them". Grandpa died two days later and it turned out that these love "beads" were each one carat diamonds, and worth a small fortune. Grandpa's Executor sued to recover the beads. Who will win and why?