

1963

Insurance: Mid-Semester (July 29, 1963)

William & Mary Law School

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Time - 50 minutes

Turn back cover and leave your paper on front table when through.

Please answer questions in order given.

Please use examination book if there is one available, but do not take time to go after one if you do not have one.

1. A complaint comes to you as Commonwealth's Attorney that Star Company, selling automobile tires, is engaged in the insurance business without having procured a license to engage in the insurance business. What investigation will you make, and will you prosecute?

2. X's wife is an invalid. So that X can take her to the ocean or mountains weekends, Y, a close wealthy friend, offers to let X use one of his cars. X takes out a liability policy, and due to his negligence is involved in three accidents while driving Y's car. Will the company pay the damages?

3. State S has a statute that provides that any injured person may sue the insurance company on any liability policy held by one inflicting the injury. X has a liability policy, and injures Y. Y sues the company. X is not subpoenaed to appear as a witness by the company, but is notified by the company when the case will be tried, and requested to be present to testify. X does not appear at the trial, and Y does not know where he is. The court having overruled Y's motion for a continuance, will the court enter judgment for Y?

4. At the trial of a suit on a marine insurance policy the plaintiff presents depositions showing payment of premium and issuance of the policy, and that the goods were placed on the ship in good condition at a time and place such as to cause them to be covered by the policy. The plaintiff also presents a witness who testifies that the goods arrived on the ship in bad condition due to having been struck heavy blows. On cross examination the witness admits that he has no idea when, where or how the goods were damaged, and that as an expert witness he has no theory to account for their having been damaged. There being no other evidence on either side, what will the court do?