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Agency: Final Examination (1967)

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AGENCY

Final Examination

1. A, formerly the buying agent for X, resigned to take a job as manager of a department store owned and operated by P in the same city. Before departing for an extended trip abroad, P instructed A to buy no more cotton goods until the price dropped. A few weeks later, A learned that the store's supply of cotton goods was almost gone. Although the price of cotton was still high, A ordered cotton goods in his own name from T with whom he had formerly dealt as agent for X. T sent the goods to A thinking that A still worked for X. What are T's rights against P and X?

2. Memorandum of sales agreement: "New York, Nov. 1, 1968, A. B. Taylor has agreed to buy and W. S. Adams, on account of William Peters, has agreed to sell 10,000 bushels A-1 red wheat at 90¢ f.o.b. New York. (Signed) Taylor Adams"
 - (1) Who are prima facie liable as parties to the contract upon the above instrument?
 - (2) In an action against Taylor, could Taylor show that he was acting only for Parsons and was not intended to be liable?
 - (3) In an action by Peters against Parsons, could Peters show that Parsons was Taylor's principal?

3. P operates a cigar store in the name of A who appears to be the owner. P directs A not to buy or sell magazines, although cigar stores in that locality usually deal in these. Nevertheless, A buys magazines for sale and incurs an indebtedness for them to T of \$100. A leads P to believe that the bill is one for cigars and P furnishes A the money to pay it. A does not pay T and T sues P. What results?

4. A is employed by the P Taxi Company as a cab driver. While cruising in search of a fare, A notices a person looking for a cab at just the same time that T, owner and operator of his own cab, does. In an effort to beat T, A swerves in front of T's cab and strikes it, damaging the front fender. An altercation between A and T ensues and A strikes T, knocking him down. What are T's rights against P?

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5. P, a manufacturer, employs A as a traveling salesman to contract for the sale of supplies manufactured by P. P's factory burns and two days later P is killed. A does not learn of either of these two events and continues to make contracts. After the burning of the factory building, but before P's death, A contracts to sell supplies to T, an old customer, who knew of the destruction of the factory and knew that A was ignorant of it. After P's death, A contracts to sell supplies to X. What are liabilities of the parties?

6. A is employed as an account executive with the P advertising agency. Having become dissatisfied, A decides to leave P's employ and set up his own agency. Prior to leaving, A informs T, a client of P for whom A has done considerable work, that he is planning to leave, and learns from T that he can count on getting T's business. A also consults with other employees of P, and convinces two of them to leave with him to participate in the new enterprise. What are P's rights against A?