

## Moot Court Argues Under New Procedure

The second year moot court problem was argued on December 11th through 14th in the Dodge Room of the Phi Beta Kappa Hall. The eight participants argued their original sides on the first two days and reversed themselves in the arguments of the last two days of court.

The oral arguments came after three weeks of preparation in which time briefs were prepared by John Gaidles, Tom Steger, Lloyd Riels and Ed Newton for the appellant with Bob Kahn, Sal Jesuele, John Crouch and Bob Lowman devoting themselves to the appellee's contentions.

This semester's appellate moot court consisted of only a short problem since the first semester's work is designed primarily as an exercise as opposed to full scale competition. Consequently the problem had fairly clear cut lines of opinion on it.

The arguments dealt with a suit for the specific performance of a contract to buy land and improvements thereon. Prior to the time set for the final payment and tender of the deed and legal title, the house on the premises burned. The buyer refused to make the last payment which was equal to the value of the house. The seller collected insurance for the building, again equal to the value of the structure, and then sued buyer to compel payment of the full contract price. Judgment on the pleadings was

given the vendor and the defendant appealed.

The case was interesting inasmuch as the majority opinion would allow a decision in favor of the seller while the equities of the situation seemed to favor the buyer. For those who started with the argument for the appellant, the situation when they were called on to argue for the appellee, called for acting ability of the highest order.

All involved enjoyed the practice and look forward to next semester's moot court competition with its expected increase in participation.