



Prof. Dr. iur. Kern Alexander

Herbstsemester 2018

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## Principles of Common Law

4 January 2019

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**Duration:** 120 minutes

- Please check both at receipt as well as at submission of the exam the number of question sheets. The examination contains 2 pages and 4 questions.

### Notes on marking

- When marking the exam each question is weighted separately. Points are distributed to the individual questions as follows:

Question 1	25 points	25 %
Question 2	35 points	35 %
Question 3	20 points	20 %
Question 4	20 points	20 %
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Total	100 points	100 %

**We wish you a lot of success!**



**Question 1 (25%)**

(25%) Discuss the purpose of tort law. If you were a Member of Parliament, would you vote for legislation that would expand the duty of care in the law of negligence? and would you vote for legislation to cap the damages that can be recovered in tort actions?

**Question 2 (35%)**

In 2013, Wendy Cook, 53, married John Waddell, 83, in London. Mr Waddell had one child, a son (Robert) from a previous marriage who was an Oxford University Archaeology Professor. Robert, aged 54, had expected to inherit his father's £1 million home in London based on a valid Will his father had executed in 2000. Ms Cook and Mr Waddell lived in the London home from 2013 until Mr Waddell's death in 2018. Before his death, Mr Waddell executed another Will in 2015 that left the home and all of his personal property to Ms Cook.

During the court proceedings to distribute Mr Waddell's estate, it became known that Ms. Cook had previously married another man, aged 84, in 2006 and upon his death in 2008 had inherited his home worth £2.5 million. Robert has petitioned the court claiming that he should have inherited the home from his father. At the trial, Ms Cook's neighbor remarked that 'Wendy seemed to adopt old people – and she ended up living with these two old men. They were so frail and bowed over.'

If you are the judge in the case, how would you rule on the son Robert's petition to inherit his father's home?

**Question 3 (20%)**

Discuss the modern sources of common law and which ones are primary and secondary? In your view, should the Judges or Parliament be supreme?

**Question 4 (20%)**

Discuss the role of Equity in the Common Law.

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