Day 5

I. Please do the following exercise and be prepared to answer the questions and explain your answers in class:

A. George and Martha are married in 1800. Martha owned before marriage a portfolio of stock worth $25,000 and a piece of land, Pinkacre, worth $10,000, planted in cherry trees. She also had debts to the blacksmith and the furrier of $5000. George owned land, Greenacre, worth $7500. During the marriage, George builds up a business, Own a Piece of the U.S.A, which sells Revolutionary War souvenirs. The business is worth $80,000 and is titled in George’s name, as is the house, worth $50,000, which he has purchased using profits from the business. He incurs debt to Sleazy Sam, the merchant, of $15,000. In addition to running the home, Martha has done most of the work of designing the merchandise sold by Own a Piece.

1. Can George chop down all the cherry trees on Pinkacre, and build an amusement park? Can he sell Pinkacre?
2. Who can sell the stocks?
3. If the furrier wants to be paid, whom does he sue? What property can be attached to pay the debt?
4. If Sleazy Sam wants to be paid, whom does he sue? What property can be attached to pay the debt?
5. If Martha dies first, can she leave Pinkacre to her niece, Arabella?
6. If George dies first, can he leave Greenacre to his impecunious brother Fred?
7. Who owns what?

B. Everything as in A, above, except the marriage takes place in Florida in 1970, after the passage of the Married Women’s Property Act (and any other relevant law in the assigned materials).

Before the MWPA, did the rules reflect a marital unity concept? To what extent did they recognize the independent existence of the spouses? To what extent did the MWPA change the underlying vision of marriage? To whose benefit?
Day 6. **SKIP 94–109**

a. Examine McGuire closely. What is the vision of marriage in this case? How free are spouses to choose their own way of arranging their marital lives? What is the state's interest in marriage?

b. Based on the cases in the casebook and the handout, what are the possible rules regarding spousal obligations for each other's debts? What rule best reflects contemporary understandings of marriage? What impact on business dealings with married persons would the different rules have? To what extent are these/should these be absolute obligations or default rules (i.e. applicable in the absence of agreements to the contrary)?

3. Be prepared to discuss the Sanchez-Duran problem at 85 (using only the materials through p. 88)

Day 7.

1. Be prepared to discuss how you would answer/analyze the following situations, both in Florida (for a & b) and in a jurisdiction that did not yet have a definitive recent case or statute. In each case assume that Chris and Terry were married at the time the allegedly tortuous acts occurred
   a. At the end of an angry fight, Chris throws a vase that hits Terry in the head causing significant physical injury.
   b. Chris, despite prior warnings, leaves shoes on the landing near the top of the stairs. Terry trips over the shoes, tumbles down the stairs and is injured.
   c. Chris treats Terry in the way that Arnold treated Peggy in Hakkila. Is your answer any different if there were repeated examples of public statements calling Terry disgusting, useless in the sack and a lousy parent?

2. In regard to reproductive rights, be prepared to discuss the problem on p. 143 [Note that if we are falling behind we will skip this exercise; you can decide how risk-averse you are!]