

I. of II.

I. Frigaliment case

Read the case of *Frigaliment Importing v. International Sales* in the Court Cases directory; (also available in Language and the Law pp. 185-188). Then write answers to the following questions.

1. In every civil court case there is a "plaintiff" (the one bringing suit) and the "defendant" (the one being sued). This case involves a *seller* and a *buyer*. Which is the "plaintiff" and which is the "defendant"?
2. The case begins with Judge Friendly stating: "The issue is, what is a chicken?"
 - a) Why has this become an issue in this particular case?
 - b) Why is this issue so important for the buyer of the chickens?
3. In a good comprehensive dictionary look up all the various meanings of "chicken" and list them.
4. What kind of "ambiguity" (lexical, syntactic, or phonological) does this case illustrate?
5. Judge Friendly stated that the issue is "what is a chicken," and he must answer that question in order to determine whether the plaintiff or the defendant prevails. However, the legal issue is quite different. *The legal issue is concerned with the particular law that enables the plaintiff to bring suit in court.* What then is the legal issue here?
6. Judge Friendly is unable to reach a decision by uniquely examining the wording of the contract. When that happens the judge will then permit the contesting parties to present additional evidence and even to bring in witnesses to testify in regard to the interpretation of the disputed wording of a contract. In the law this outside evidence is called *extrinsic evidence* or *parol evidence*. In the following chart you will find listed the various kinds of extrinsic evidence that was presented. Indicate whether the particular evidence was offered by the plaintiff, the defendant, or both of them.

a) Because the 1 ½ - 2 lbs. birds were young, then the 2 ½ - 3 lbs. birds must also be young.
b) The German word "Huhn" refers to all kinds of chickens; unlike the English word, which is more restricted.
c) Trade usage—i.e. how the term "chicken" is understood by those in the chicken business.
d) Reference to the Department of Agriculture's classification and grading of poultry.
e) The fact that 1 ½ - 2 lbs. birds were not available at the agreed-upon price
f) Past conduct in regard to the acceptance of an earlier shipment

7. Who wins this dispute (plaintiff or defendant), and why? Explain.

II. Ambiguity

A. The following sentences have *lexical ambiguity*; i.e. a particular word has more than one meaning. For each sentence identify the ambiguous word and **paraphrase** the two different meanings.

1. The rabbi married my sister.
2. Jane sits home while Tarzan swings.
3. Peter found a bat.

B. The following sentences are *syntactically ambiguous*; i.e. the ambiguity has to do with the sentence's grammar. Show the ambiguity by bracketing the sentence in two different ways. Note that punctuation has been purposely omitted. The first example has been done for you.

4. The old men and women stayed at home.
The [old men] and [women] stayed at home.
The old [men and women] stayed at home.

5. When Charlie approaches the girls don't pay any attention to him.
6. They fed her rat poison.
7. They saw the woman with the telescope.

C. The following sentences are syntactically ambiguous but do not necessarily lend themselves to different bracketing. This time illustrate the nature of the ambiguity by means of paraphrases. The first example has been done for you.

8. The old men and women stayed at home.
The women and the old men stayed at home.
The old men and the old women stayed at home.

9. Eleanor took Theodore's pants off.
10. Harry loves his pet turtle more than his wife.
11. George made Frank wash his face.

D. The following examples are *phonologically ambiguous* when read aloud. For each example write the sentence with the other meaning. (These all involve homophonous words; that is, words that are pronounced the same but are spelled differently.) The first one has been done for you.

12. Bambi is a little deer.
Bambi is a little dear.
13. Mary's feat made the Guinness World Book of Records.
14. At the annual 4-H fruit judging contest everyone admired Helen's pear.