

B. to qualify as a candidate for a parliamentary election, has the conveyance made to B. B. having been defeated in the election, A. brings an action to have it declared that B holds the land as trustee for him (A.) Can he succeed?

4. Under what circumstances may a trustee safely purchase from his *cestui que trust*?

5. What are (a) general, (b) specific, (c) demonstrative legacies? In what respects is the distinction important?

6. Explain and illustrate the equitable doctrine of conversion.

7. Distinguish between a mortgage and a mortgage of personal property.

8. What is the nature and extent of the lien of a solicitor upon the deeds, books, papers, etc., of his client for costs?

9. What is meant by "mutual accounts," and why were they formerly assigned to the equity jurisdiction?

10. What criterion does equity apply in deciding whether a contract is proper to be the subject of an action for Specific Performance?

CERTIFICATE OF FITNESS: SEPT. 4TH,
1894.

MERCANTILE LAW—STATUTES
—PRACTICE.

Examiner: M. H. LUDWIG.

1. A by false and fraudulent representations induced B. to sell him goods on credit.

(a) Is the contract void or voidable?

(b) In what different ways may B. treat the above transaction?

2. On a contract for the sale of goods what tests would you apply to determine whether the property in the goods has passed, and why does this question sometimes become material?

3. What warranty is implied on a sale of goods by a person who is (a) the manufacturer, (b) not the manufacturer.

4. State briefly the provision of the Act of 1891 (54 Vic, Ont., cap. 20), amending the Assignment and Preference Act, and how the amendment has been construed.

5. (a) What is meant by a "fixture," and what different classes of fixtures are there?

(b) Compare the rights of a landlord to fixtures placed on the premises by the tenant, with the right of a mortgagee to fixtures placed by a mortgagor on the lands covered by the mortgage.

6. Can a chattel mortgagee who discovers that his mortgage does not comply with the provisions of the Chattel Mortgage Act, cure the defect by taking possession of the goods included in the mortgage? Reasons.

7. A. an insolvent, gave B. a mortgage and the next day made an assignment for the benefit of his creditors to C. B. sold the goods covered by the mortgage and received the cash proceeds.

Can he be compelled to account to C. for the proceeds, so that they may be ratably distributed amongst the creditors of A.? Reasons.

8. Name the different classes of debts or demands for which a writ of summons may be specially endorsed.

9. When will the court grant relief against a forfeiture for breach of a covenant in a lease to insure against loss by fire?

10. If a defendant intends to rely on a plea of "Not Guilty by Statute," how must he plead so as to be allowed to give evidence under such plea?

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EQUITY.

Examiner: J. H. MOSS.

1. Under what circumstances may a trustee safely purchase from his *cestui que trust*?