

C 35898

Law School.

MAY EXAMINATION: 1897.

SECOND YEAR.

PERSONAL PROPERTY.

HONOURS.

Examiner : P. H. DRAYTON.

1. What is the gist of the action of trover?
2. Discuss the question as to whether a contract for the sale of standing timber is within the 4th or 17th section of the Statute of Frauds.
3. At the request of a mortgagor a mortgagee discharges his mortgage upon receiving a new mortgage on other property of the mortgagor. At the date of the transaction the latter was insolvent. Discuss the validity of the second mortgage as against the insolvent's creditors under the Assignment and Preferences Act.
4. Trace the changes of the law under the Chattel Mortgage Act as to the curative effect of taking possession by a chattel mortgage as against simple contract creditors of the mortgagor.
5. "Anything not annexed to the freehold in fact is not to be regarded as a fixture except where the article forms part of the fabric or is an integral portion of the design."
Explain and illustrate this statement of the law of fixtures.
6. A wholesale merchant in Toronto sells goods to a retail dealer in Kingston (to be resold by him in the course of his trade) under an agreement that the property is not to pass until promissory notes given for the same have been retired. What is necessary in order that the rights of the sender may be protected as against creditors of purchasers from, or mortgagees of the purchaser.

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