

unable to succeed in having the contract set aside on the ground of fraud :

3. Define constructive fraud. Into what heads is it divided ? Give an example of each.

4. A and B are trustees of an estate. The trust funds are in the hands of B, and he, against the remonstrances of A, places them in solicitors' hands for investment. The solicitors appropriate the moneys to their own uses. Is A liable ? Give reasons for your answer.

5. In what respects does a "Donatio Mortis Causa" differ from a legacy and a gift "Inter Vivos" respectively ?

6. A agrees to sell to B a farm. B wishes to have a written agreement drawn up, but A assures him that it is unnecessary, and that he will carry out the contract ; he afterwards refuses, setting up the statute as a defence to an action for Specific Performance. Who should succeed, and why ? Under what head of Equity would this case fall ?

7. Discuss the application of remedial authority of Equity in cases of (1) non-execution of powers ; (2) defective executions of same.

Miscellaneous.

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