

C 35834

Law School.

MAY EXAMINATION : 1897.

SECOND YEAR.

EQUITY.

HONOURS.

Examiner : HERBERT L. DUNN, B.A.

1. Explain the maxim "Equity never wants a trustee."
2. In *Casborne v. Scarfe*, (1 Atk. 603) it was decided that an equity of redemption is not a mere right. Explain the meaning of this decision, and discuss its correctness.
3. Discuss the principles on which Equity acts in assisting a *cestui que trust* to follow trust property which has been wrongfully disposed of by the trustee.
4. Explain in relation to the subject of mistake the maxim : *Ignorantia juris neminem excusat*.
5. Upon what principles does the Court act in removing trustees and appointing new trustees ?
6. What degree of misrepresentation will justify the rescission of a contract in equity ?
7. A. had power to appoint funds amongst her children by deed, or by her last will in writing or any writing purporting to be in the nature of her last will. A. died intestate and without having made an appointment by deed, but left in an envelope addressed to her son an unattested memorandum signed by herself as follows : "For my sons and daughters. Not having made a will, I leave this memorandum, and hope my children will be guided by it, though it is not a legal document. The funds I wish divided as follows" :—(Here followed details of A.'s wishes). An action is brought for a declaration that the memorandum was a valid execution of the power of appointment. Should the plaintiff succeed ? State reasons fully.
8. When will the Court decree specific performance of a contract relating to personal chattels ?
9. When will the Court grant an injunction restraining the publication of a libel ?

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