

SECOND YEAR—EQUITY.

Examiner : J. A. Moss.

1. What is meant by the *Cy-près* doctrine as applied to charitable trusts?

2. What are the provisions of the Statute of Frauds relating to trusts?

3. B. obtains a conveyance of a farm in his own name, the deed containing a statement that he has advanced the purchase money. A. seeks to show by parol evidence that he (A.) has really advanced the purchase money. Can this evidence be admitted? Explain.

4. State the general rules governing the liability of trustees and executors respectively who have joined in receipts for moneys paid to co-trustees or co-executors, and misappropriated by them.

5. State the rules by which Courts of Equity are governed in decreeing or refusing rectification of a marriage settlement so as to make it conform to the preliminary articles.

6. A mortgagee who has obtained a final order of foreclosure sells the mortgaged property for a sum less than the amount of the mortgage debt and then sues the mortgagor on his covenant for the balance. What are the rights of the parties?

7. A testator, erroneously supposing himself to be the owner of Blackacre devises that estate to A., and by the same will gives a legacy to B., who is the real owner of Blackacre. Can B. insist upon retaining the land and also claim the legacy?

8. A. owes B. \$500, and by his will leaves him the residue of his (A's) property, which in the event turns out to be worth \$1,000. In the absence of any expression of intention in the will, is the debt satisfied by the legacy?

9. Under what circumstances and by what procedure may time be made of the essence of a contract to which it was not originally essential?

10. What three cardinal points

must be established by a plaintiff who seeks an injunction for the protection of a legal right?

*Supplemental Examination, Sept.
4th, 1894.*

THIRD YEAR—EQUITY.

Examiner : J. H. Moss.

1. What is meant by an illusory trust? Give an example.

2. In what cases can a person recover back property which he has intentionally vested in another upon trust for an illegal purpose?

3. A. and B. give a joint promissory note to C. The note having become long overdue, C. sues upon it. B. pleads that he joined in the note as surety for A., of which fact C. was aware, and that he is discharged by C. having refrained for five years from enforcing payment by A. C. demurs to this plea. Should he succeed?

4. In the absence of any governing provision in the will, are executors justified in referring a claim against their testator's estate to arbitration?

5. What effect has the making of a decree for administration of the estate of a testator upon the powers of his executors?

6. If there is a direction in a will to sell real estate, and no trustee is named to carry it out, who is the proper person to perform it.

7. What must a *cestui que trust* show who seeks to impeach a sale by a trustee as being made subject to depreciatory conditions (a) as against the trustee, (b) as against the purchaser.

8. What classes of claims are excepted from the Statute which extends the protection of the Statute of Limitations to trustees?

9. To what extent is parol evidence varying a written contract admissible in a specific performance action (a) on