

C 35908

**Law School.**

MAY EXAMINATION: 1897.

FIRST YEAR.

EQUITY.

HONOURS.

*Examiner:* HERBERT L. DUNN, B.A.

1. Distinguish the methods in which the Court deals with executory trusts contained (a) in marriage articles and (b) in wills.
2. A. by his will bequeathed several legacies and ordered his real and personal estate to be sold and his debts and legacies to be paid out of the proceeds of the sale. He gave the residue of his estate to certain legatees in the proportion of their legacies. Two of the residuary legatees died in the lifetime of the testator. How should the lapsed shares be disposed of? State reasons fully.
3. A. by his will bequeathed a legacy to B., to whom A. at the time of making his will was indebted. Will the legacy be taken to be in satisfaction of the debt? Explain fully.
4. Under what circumstances will a surety be discharged from liability by acts subsequent to the contract of suretyship?
5. Upon what principles does the Court act in dealing with (a) a purchase by a solicitor from his client, and (b) a purchase by a trustee from his *cestui que trust*?
6. A. owes B. two sums of money. One of the debts is barred by the Statute of Limitations, the other is not barred. A. makes a payment on account of the debts generally. What is the effect of such payment? State reasons fully.
7. Explain and illustrate the maxim "Equity looks to the intent rather than to the form."
8. Give a brief history of the conflict between the Chancery Judges and the Common Law Judges.

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