

1. Describe and compare
 - (a) chattels personal and chattels real;
 - (b) choses in action and choses in possession;
 - (c) conditions precedent and conditions subsequent;
 - (d) joint tenancy and tenancy in common;
 - (e) actual delivery and constructive delivery
2. Last week Father David said to his son Saul, "Saul. When I am gone, I want you to have my car". Yesterday Father David had a heart attack and died.
 - (a) Does Saul own the car?
 - (b) What difference, if any, would it make if Father David had also said: "Saul, I have been having strong chest pains lately, and I fear that something may happen to me"?
 - (c) What difference, if any, would it make if Father David had added: "You know where to find the keys – in the top drawer of the cupboard in the kitchen".
3. Mother Sarah said to her two daughters: " I am going to remarry, so I have signed a deed with my lawyer to give to each of you two girls \$10,000 per year, provided that you leave your husbands who are not worthy of you, and provided that you do not marry a person of Asian origin or descent..."

The daughters seek your advice as to whether these conditions are binding, and, if so, whether they can receive the gift of \$10,000. How would your reply?

4. Jonathan and David were two good friends who decided to purchase a ship, each contributing half the purchase price. David asked Jonathan if he would be willing to allow the ship to be used as a security for a bank loan to David to enable him to set up a business, and Jonathan agreed, and the ship was mortgaged to the bank as security for the loan to David.

Now David and Jonathan are no longer friends, and Jonathan wants to sell the ship, free of the mortgage, claiming that he was pressured into signing the mortgage by David.

The bank asks you for advice. How would you advise it?

5. Last week Ezekiel contracted with Joshua to sell 50 bags of copra due to arrive in MV Gillian today at the price of \$20.00 per bag. When MV Gillian arrived today Ezekiel sold all his bags of copra to Abel who offered \$25.00 per bag.

Joshua asks you about what he can do.

- (a) How would you advise?
- (b) What difference, if any, would it make if Joshua had paid \$1000 per bag to Ezekiel as deposit at the time of the making of the contract last week?
- (c) What difference, if any, would it make if 50 bags of copra arrived on MV Gillian with Joshua's name marked on them?

6. Sarah agreed to sell her collection of valuable handicrafts and jewelry to a woman who posed as representative of Samuels Artworks Ltd and paid for the goods with a cheque in the name of that company. Sarah allowed the woman to take with her a number of the valuable items, but it was agreed that title to the items would not pass until the cheque had been cleared by the bank.

Several days later the cheque, which had been stolen from the premises of Samuel's Artwork Ltd, was returned dishonored.

- (a) Can Sarah reclaim the goods if she can find the woman with them still in her possession?
- (b) Can Sarah reclaim the goods if the woman has sold them to an unsuspecting purchaser?
- (c) Can Sarah reclaim the goods if the woman has given them to her relatives?

7. Your client arranged with Matthews Transport Ltd to deliver six crates of goods to a customer in a village about 10 kilometers from your client's store. About half way there the truck carrying the goods was struck by another vehicle and unable to proceed, and the driver transferred the crates into a passing vehicle, but that vehicle later caught on fire, and all six crates were destroyed.

- (a) Can your client sue Matthews Transport Ltd for the loss of the crates of goods?
- (b) Can your client sue the owner of the vehicle which caught fire for the loss of the crates of goods?

- (c) What difference, if any, would it make if, after the collision, the driver of Matthews Transport Ltd had telephoned you and asked if it would be alright to put them in another vehicle and you said "Yes".
8. One day whilst taking his early morning jogging exercise, Matthew noticed a brown paper package lying on the side of the road outside Mark's house. Matthew picked up the package, opened it and discovered it was a large quantity of bank notes. He put the package under his arm and ran on down the road, but Luke, who had been watching from the other side of the road, ran after him and pulled the package out of Matthew's hands and ran off down the road with the package.
- (a) who is entitled to the package: Matthew, Mark, Luke or the local authority that owns the road on which the package was lying?
- (b) What difference, if any, would it make if John appeared and claimed that the package had been stolen from his office?
9. Adam's Agricultural Supplies Ltd had 20 crates of agricultural machinery and equipment stored in a warehouse owned by Eve. The company was in a weak financial position and agreed with its bank that all its machinery and equipment in store was to be held by the bank as security for a loan. Eve was informed of this and wrote to the bank acknowledging that she held the goods for the bank.

Later, because of the carelessness of Eve's employees, the warehouse caught fire and all contents were damaged beyond repair.

- (a) Who can sue Eve for loss of the machinery and equipment - the company or the bank?
- (b) What difference, if any, would it make if Eve had not acknowledged that she held the goods for the bank?