

Mercantile Law

Foundation Examination
Spring 2012
Module B

5 March 2012
100 marks - 3 hours
Additional reading time - 15 minutes

Instructions to candidates:

- (i) All the Questions from Section-A are compulsory.
- (ii) Attempt any FOUR out of SIX Questions from Section-B.

Section A

Q.1 Select appropriate answer from the options available for each of the following multiple choice questions (MCQs). Each MCQ carries ONE mark.

- (i) A positive assertion, in a manner not warranted by the information of the person making it, of that which is not true, though he believes it to be true is said to be a:
(a) fraud (b) misrepresentation (c) mistake (d) misinterpretation
- (ii) According to the Sale of Goods Act, 1930 documents of title to goods include:
(a) bill of lading. (b) railway receipt.
(c) warehouse keeper's certificate. (d) all of the above.
- (iii) A minor can:
(a) be an agent (b) be a principal (c) both (d) none
- (iv) In the case of goods sold on sale or return basis, the property in goods passes:
(a) when price is paid. (b) when goods are delivered.
(c) when approval is conveyed. (d) in all of the above cases.
- (v) Partnership is:
(a) the relationship between persons who have agreed to share the profits of jointly owned property managed by all or any of them acting for all.
(b) the relationship created by an agreement between a banking company and person(s) providing for sharing of profit and loss arising from the finance provided to such person(s).
(c) both of the above.
(d) the relation between persons arising from a contract who have agreed to share the profits of a business carried on by all or any of them acting for all.
- (vi) The consent is said to be free when:
(a) two or more persons agree upon same thing in the same sense.
(b) all parties to the contract benefit from the contract.
(c) it is not the result of coercion or undue influence or fraud or misrepresentation or mistake.
(d) all of the above.
- (vii) What are the consequences of resale of goods by unpaid seller where he expressly reserves such right in case of buyer's default?
(a) The original contract of sale is rescinded.
(b) The new buyer acquires a good title thereto.
(c) The seller may claim damages based on the original contract of sale.
(d) All of the above.



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**John William Smith, James Philemon
Holcombe, William Yates Gholson**

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Table of Contents Mercantile Law Question Paper And Memorandum 2013

1. Understanding the eBook Mercantile Law Question Paper And Memorandum 2013
 - The Rise of Digital Reading Mercantile Law Question Paper And Memorandum 2013
 - Advantages of eBooks Over Traditional Books
2. Identifying Mercantile Law Question Paper And Memorandum 2013
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Mercantile Law Question Paper And Memorandum 2013
 - User-Friendly Interface
4. Exploring eBook Recommendations from Mercantile Law Question Paper And Memorandum 2013
 - Personalized Recommendations
 - Mercantile Law Question Paper And Memorandum 2013 User Reviews and Ratings

- Mercantile Law Question Paper And Memorandum 2013 and Bestseller Lists
- 5. Accessing Mercantile Law Question Paper And Memorandum 2013 Free and Paid eBooks
 - Mercantile Law Question Paper And Memorandum 2013 Public Domain eBooks
 - Mercantile Law Question Paper And Memorandum 2013 eBook Subscription Services
 - Mercantile Law Question Paper And Memorandum 2013 Budget-Friendly Options
- 6. Navigating Mercantile Law Question Paper And Memorandum 2013 eBook Formats
 - ePub, PDF, MOBI, and More
 - Mercantile Law Question Paper And Memorandum 2013 Compatibility with Devices
 - Mercantile Law Question Paper And Memorandum 2013 Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Mercantile Law Question Paper And Memorandum 2013
 - Highlighting and Note-Taking Mercantile Law Question Paper And Memorandum 2013
 - Interactive Elements Mercantile Law Question Paper And Memorandum 2013
- 8. Staying Engaged with Mercantile Law Question Paper And Memorandum 2013
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Mercantile Law Question Paper And Memorandum 2013
- 9. Balancing eBooks and Physical Books Mercantile Law Question Paper And Memorandum 2013
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Mercantile Law Question Paper And Memorandum 2013
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Mercantile Law Question Paper And Memorandum 2013
 - Setting Reading Goals Mercantile Law Question Paper And Memorandum 2013
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Mercantile Law Question Paper And Memorandum 2013
 - Fact-Checking eBook Content of Mercantile Law Question Paper And Memorandum 2013
 - Distinguishing Credible Sources

13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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