

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(a) The original contract of sale is rescinded.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.



Mercantile Law Question Paper 2013

Ming Du



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Legal Issues on Climate Change and International Trade Law Deok-Young Park, 2016-04-29 This book provides an excellent overview of the legal issues surrounding climate change mitigation and international trade law It surveys key observed and potential challenges posed by responses to climate change in terms of international trade law By examining the controversial issues seen in legal cases in which domestic climate change or renewable energy measures conflicted with international trade regimes this volume promotes and broadens the understanding and debate of the issues Beyond the recognized challenges this book uncovers potential areas of conflict between climate change responses and international trade promotion by exploring previous cases and current efforts to prevent climate change Furthermore this volume sheds light on the future direction of international trade law and climate change responses pointing out that the development of climate change or renewable energy laws and policies must also consider international trade regimes in order to ensure the smooth implementation of said laws and policies and guarantee that international trade laws do not restrict environmental policy space

Palmer's Index to the Times Newspaper, 1886 **The Regulation of Product Standards in World Trade Law** Ming Du, 2020-11-12 This monograph has two central purposes The first is to provide a critical analysis of how governmental private and hybrid product standards are regulated in the GATT WTO legal framework The second purpose is to explore both positively and normatively the impact that WTO disciplines may have on the composition function and decision making process of various standard setting bodies through the lens of a series of selected case studies including the EU eco labelling scheme ISO standards and private standards such as the FSC The book analyses what role if any the WTO may play in making product standards applied in international trade embody not only technological superiority but also substantive and procedural fairness such as deliberation representativeness openness transparency due process and accountability Whilst it has been long recognised that voluntary product standards drawn up by both governmental and non governmental bodies can in practice create trade barriers as serious as mandatory governmental regulations a rigorous and systematic inquiry into the boundary relevance and impact of WTO disciplines on product standards is still lacking Providing a lucid interpretation of the relevant WTO rules and cases on product standards this book fills this significant gap in WTO law literature Definitive and comprehensive this is an essential reference work for scholars and practitioners alike New York C.P.A. Commercial Law Questions, 1924-38 Samuel Null, 1937 New York C. P. A. Commercial Law Questions Samuel Null, 1974

Mediation and Commercial Contract Law Maryam Salehijam, 2020-12-10 There is an urgent need to better understand the legal issues pertaining to alternative dispute resolution ADR particularly in relation to mediation clauses Despite the promotion of mediation by dispute resolution providers policy makers and judges use of mediation remains low In particular problems arise when parties lack certainty regarding the legal effect of a mediation clause and the potential uncertainty regarding the binding nature of agreements to pursue mediation is problematic and threatens the growth of ADR

This book closely examines the importance and complexity of mediation clauses in commercial contracts to remedy this persistent uncertainty Using comparative law methods and detailed empirical research it explores the creation of a comprehensive framework for the mediation clause Providing valuable insight into the process of ADR and mediation this book will be of interest to academics law makers law students in house council lawyers as well as parties interesting in drafting enforceable mediation clauses

The Future of Commercial Law Orkun Akseli, John Linarelli, 2020-04-16 The reform of commercial law through harmonisation unification codification and other means remains one of the most important projects in developing the institutional architecture for the global economy This edited collection engages with the challenges and contributes to a greater understanding of the problems faced by states international organisations and private sector actors in this ongoing reform project for commercial law The volume takes stock of the project to date and looks towards a restructuring of the agenda to deal with new challenges The primary aim of the collection is to understand the future of commercial law reform in a way that offers ideas and strategies for innovation as well as in methodologies for project selection and evaluation In so doing the collection informs the debate on the global reform of commercial law and will be of interest not only to academics but also to those involved in the reform of commercial law around the world The volume collects papers presented at the UK Society of Legal Scholars Annual Seminar 2017

Handbook of Commercial Policy, 2016-11-02 Handbook of Commercial Policy explores three main topics that permeate the study of commercial policy The first section presents a broad set of basic empirical facts regarding the pattern and evolution of commercial policy with the second section investigating the crosscutting legal issues relating to the purpose and design of agreements Final sections cover key issues of commercial policy in the modern global economy Every chapter in the book provides coverage from the perspectives of multilateral and where appropriate preferential trade agreements While most other volumes are policy oriented this comprehensive guide explores the ways that intellectual thinking and rigor organize research further making frontier level synthesis and current theoretical and empirical research accessible to all Covers the research areas that are critical for understanding how the world of commercial policy has changed especially over the last 20 years Presents the way in which research on the topic has evolved Scrutinizes the economic modeling of bargaining and legal issues Useful for examining the theory and empirics of commercial policy

"Code of Massachusetts regulations, 2013", 2013 Archival snapshot of entire looseleaf Code of Massachusetts Regulations held by the Social Law Library of Massachusetts as of January 2020

The Bulletin of the Commercial Law League of America, 1919

Dalhuisen on Transnational and Comparative Commercial, Financial and Trade Law Volume 5 Jan H Dalhuisen, 2022-06-16 presents a very different case that of a civilized and cultivated cosmopolitan legal scholar with a keen sense of international commercial and financial practice with an in depth grounding in both comparative legal history and comparative law combined with the ability to transcend conventional English black letter law description with critical judgment towards institutional wisdom and intellectual

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Contextualising International Law in Northeast Asia Asif H Qureshi, 2018-09-20 Northeast Asia is one of the most important regions of the world both economically and in terms of its historical heritage The region poses significant challenges for international law whilst international law can unleash cooperative endeavours which can place the region in a formidable location in the new multi polar world order This work sets out a contextual regional approach to international law focusing on the relations as between China South Korea and Japan In particular the author deliberates on the historical development of international law in the region the relationship of international law with the Chinese Korean and Japanese legal systems historical disputes as between the three States and the respective practices in the sphere of monetary and trade relations This work will be of interest to international law scholars practitioners and policy makers

Public Procurement and Aid Effectiveness Annamaria La Chimia, Peter Trepte, 2019-08-08 This edited collection fills a significant gap in the literature by gathering contributions from the most prominent academics and practitioners of aid and procurement It explores the economic political and legal relationship between procurement and aid effectiveness in developing countries and takes stock of current debates in the field More specifically the contributions analyse the failures and successes of current initiatives to foster effectiveness and streamline the aid procurement process and address current themes emerging in the literature related to development procurement and aid success A pivotal and timely publication Public Procurement and Aid Effectiveness will be of interest to a varied and multicultural international audience and a wide range of actors working on aid effectiveness development procurement and good governance initiatives in both donor and beneficiary countries

Problems and Materials on Commercial Law Douglas J. Whaley, 2008 Continuing to attract new users to his Commercial Law casebook edition after edition Douglas J Whaley's problem based text is straightforward student friendly and eminently practical Problems and Materials on Commercial Law now in a Ninth Edition covers the most recent case and statutory developments in all of the major areas Sales Payment Systems and Secured Transactions The hallmark features that have made this Whaley book so effective complete coverage of all of the relevant statutes and major cases including materials and problems on Sales Payment Systems and Secured Transactions the latest changes in and cases relating to U C C Articles 2 3 4 and 9 well crafted problems that progress from simple to more complex a clear and straightforward writing style that doesn't hide the ball a sensible organization a modular approach that follows

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