

*Contracts - Common Law.**Examiner: F. J. JOSEPH.*

1. A. writes to B. offering him a house and lot at a certain price, and stating that he will keep the offer open for one month. Before the week is over A. sells the house and lot to C. B. subsequently, but within the week, accepts A.'s offer. What are B.'s rights against A.?

2. A., in New York, sells to B., in Toronto, several diamonds of considerable value, upon which there is a duty on their entering Canada. It is arranged between A. and B. that A. shall place the stones in the false bottom of a certain box, so that B. can smuggle them through the customs. Under these circumstances can A. recover the price of the stones in an action against B.?

3. When a party to a contract promises to do a certain thing at or before a specified time, what is the consequence if he fail to do such act within the specified time?

4. A contractor agreed to erect a bridge according to certain specifications of a railway engineer. It turned out that the work could not be erected in the manner described. After further attempts, in which the contractor made large expenditure, it was found that the bridge had to be built in a different way. Could the contractor recover for his expenditure in endeavoring to complete the work according to the first specification?

5. A., a married man, promises to marry B. Can A., in answer to an action by B. for damages for non-performance of his agreement, set up the impossibility of performance owing to the illegality of a marriage with B.?

6. A. covenanted with B., the intended husband of C. (A.'s daughter), to bequeath to her (C.) an equal share with his other children of the property he might die possessed of. C. died in the lifetime of A. On the death of A. intestate, would B. have a right of action against A.'s personal representatives on A.'s covenant?

7. A municipal corporation employs a contractor to make a drain in a public street. The servants of the contractor leave an excavation open, into which B. drives on a dark night and is injured. Against whom would you, acting for B., bring an action?

8. A passenger takes a valise that has not been checked into a railway carriage in which he himself is travelling. At a way-station he

leaves the train and enters the station for luncheon. On his return he finds the valise has been stolen. Has he any remedy against the railway company?

9. A promissory note runs, "I promise to pay," etc., and is signed by two persons. What is the effect of such a note?

10. What remedy has the subject against the Crown for a private injury?

LINES WRITTEN ON MY EIGHTY-SEVENTH BIRTHDAY.

BY DAVID DUDLEY FIELD.

What is it *now* to live? It is to breathe
The air of heaven, and behold the pleasant earth,
The shining rivers, the inconstant sea,
Sublimity of mountains, wealth of clouds,
And radiance o'er all the countless stars.
It is to sit before the cheerful hearth
With groups of friends and kindred, store of
Rich heritage from ages past. [books,
Hold sweet communion, soul with soul,
O'er things now past, or present, or to come,
Or muse alone upon my earlier days,
Unbind the scroll whereon is writ
The story of my busy life,
Mistakes too often, but successes more
And consciousness of duty done.
It is to see with laughing eyes the play
Of children sporting on the lawn,
Or mark the eager scrives of men
And nations, seeking each and all
Advantage to obtain belike
Above their fellows; such is man!
It is to feel the pulses quicken as I hear
Of great events near or afar
Whereon may return, perchance,
The fate of generations ages hence.
It is to rest with folded arms betimes,
And so surroued, so sustained,
Ponder on what may yet befall
In that unknown mysterious realm
Which lies beyond the range of mortal ken,
Where souls immortal do forever dwell,
Think of the loved ones who await me there,
And without murmuring or inward grief,
With mind unbroken and no fear,
Calmly await the coming of the Lord.

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