

to the party by whom the same is payable, that he gives him credit a sum certain to be named in such notice, and that he claims that there remains due to him in respect of such mortgage money for a sum certain, to be also named in such notice; and in case upon the final order for foreclosure for sale being applied for, the judge shall think the sums named in such notice proper to be allowed and paid under the circumstances, the order for final foreclosure is to go without further notice, unless the judge shall direct notice to be given, or it shall be competent to the party to whom the mortgage money is payable, to apply to a judge in Chambers for a reference to a master, or for an appointment to fix such sums respectively, and in the latter case either upon notice, or *ex parte*, as the judge may think fit, and the order to be made thereupon is to be served, or service thereof dispensed with, as the judge may direct.

It shall be competent to the party to whom such notice may be given to apply to a judge in Chambers for an appointment to ascertain and fix the amounts proper to be allowed and paid instead of the amounts mentioned in such notice; or for a reference to a master for a like purpose; and in case the judge shall think a reference to a master proper, the same may be made *ex parte*, unless the judge shall otherwise direct.

APPEALS FROM MASTER'S REPORTS.

Section 17 of General Order 42, is altered and varied in the following particular:—

Reports become absolute, without order, confirming the same at the expiration of fourteen days after the filing thereof, unless appealed from. An appeal shall lie to the court upon the motion, at any time from the signing of the report, to the expiration of fourteen days from the filing of the same in respect of the finding of the the master upon any matter presented in his office for his decision, without objections or exceptions being previously taken.

It shall be competent for any party affected by the report to file the same, or a duplicate thereof, and the filing of such duplicate shall have the same effect for the purposes of this order as the filing of the report, by the party taking the same.

J. C. P. ESTEN, V. C.

J. G. SPRAGGE, V. C.

LAW SOCIETY OF UPPER CANADA.

EASTER TERM, 1860.

ARTICLED CLERKS' EXAMINATION.

BLACKSTONE, VOL. I.

1. Into what two classes does Blackstone divide the relations of persons.
2. What are the three *absolute* rights of individuals?
3. How are parliaments dissolved? Is their any provincial statute on this point?

SMITH'S MERCANTILE LAW.

1. "I promise to pay to A. or order £50 on demand, in goods." Is this a good promissory note? Give your reasons.
2. What is requisite to a valid sale of goods over the value of ten pounds? Does it make any difference whether the goods are in existence at the time of the sale?

3. What is the effect of mentioning no time for payment in a bill or note?

4. What are general and particular liens, and how are they respectively looked upon by the law?

WILLIAMS ON REAL PROPERTY.

1. What are the various kinds of estates, in real property, and how are they transferable?
2. What is a "use?" and, in connexion with this, explain the operation of a conveyance under the Statute of Uses.
3. Explain the nature of a mortgage, and the respective rights of the mortgagor and mortgagee.
4. Define a "reversion," and mention some of its incidents.

STORY'S EQUITY JURISPRUDENCE.

1. Explain the origin of equity jurisprudence, and distinguish between courts of law, and courts of equity, strictly so called.
2. Give the general heads of equitable relief, with examples to illustrate your meaning.
3. Explain "marshalling," and "substitution" or "subrogation."
4. What is the nature of the remedy by "injunction."

STATUTES AND PLEADING OF THE COURTS.

1. What is an avowry and cognizance?
2. What is the effect of a creditor obtaining judgment against his debtor as an absconding debtor, where it afterwards appears to the court that such debtor was not an absconding debtor?
3. What is the course to be pursued when a plaintiff dies during the progress of a suit?
4. In what cases can the court or a judge direct that a plaintiff shall be at liberty to proceed against an absent defendant without his having entered an appearance?
5. What is the penalty incurred by a tenant who is served with a writ of ejectment, and omits to notify the same to his landlord?
6. What are the requisites of a bill and answer respectively?
7. What changes have the general orders introduced as to "parties?"
8. What is the practice in this country and in England respecting as to obtaining "discovery?"
9. How far are persons interested in a suit admissible as witnesses?

EXAMINATION FOR CALLS.

TAYLOR ON EVIDENCE.

1. Of what facts are the entries of a deceased person against his interest, and in the ordinary course of business, respectively evidence, is there any and what difference between them in this respect?
2. Explain the rule that there are no degrees of secondary evidence. Would this rule make a copy of a copy sufficient, in cases where secondary evidence is admissible? Give your reasons.
3. Mention some cases in which evidence is excluded on the grounds of public policy.
4. Mention some cases in which a notice to produce is not necessary for the purpose of letting in secondary evidence.