

LAW STUDENTS' DEPARTMENT.

and numbers it, enters it on his books and endorses a certificate of registration thereon, but by mistake he enters it on the *abstract index* under lot No. 2. By a subsequent search of lot No. 1 B ascertains that it is to *all appearances* unincumbered, and having no knowledge of A's mortgage, advances money upon mortgage of lot No. 1, and duly registers his mortgage which is correctly entered on the abstract index under lot No. 1. Which mortgage takes priority? Why?

9. Land is vested in A in fee simple in trust for B and his heirs. A dies intestate leaving two daughters and a son. B. dies intestate immediately afterwards leaving two sons, and a son of a deceased daughter. Trace the descent of both the legal and the equitable estates.

10. Explain the doctrine that a use could not be raised without a consideration.

Criminal Law and Torts.

1. Define accessory *before* the fact. What is the extent of his criminal responsibility.

2. A, a servant of B, received certain money on account of his master, which he entered in his master's books, charging himself, however, with it, but did not pay it over, claiming a right to it. Discuss the offence, if any.

3. What is the rule as to the responsibility of a carrier for negligence where the party injured has been himself guilty of negligence?

4. What constructive breaking is sufficient to establish the crime of burglary?

5. State accurately any statutory changes made in Canada which have invaded the rule laid down in criminal cases that the defendant is not a competent witness.

6. State briefly what the prosecution have to prove under an indictment for robbery in order to secure a conviction?

7. What is the effect of an acquittal of a prisoner upon technical grounds, as, for instance, defect in proceedings? What if acquitted on grounds of insanity?

8. Under our Statutes how far is an Executor liable for the tort of his testator? Explain fully.

9. Discuss the general rule, and illustrate it briefly, that privity is not requisite to support an action *ex delicto*.

10. What legal duties are cast upon a parent with reference to his legitimate children? What as to his or her illegitimate children?

CALL—HONORS.

Equity Jurisprudence.

1. Permanently beneficial improvements are made to real estate (1) by a part owner; (2) by a tenant for life, and (3) by a person under a mistake of title. What relief are each of the above parties entitled to in respect of such improvements?

2. Define legal and equitable assets; and classify the latter which are equitable assets (1) by their own nature; and (2) by the act of the testator.

3. Explain the jurisdiction of equity in cancelling and delivery up of documents; and show the grounds upon which that relief is exercised in the case of (1) voidable, and (2) void, instruments.

4. Define Constructive Fraud, Constructive Trusts, Constructive Notice, and give illustrations of each.

5. Give illustrations of cases of election, (1) under powers, (2) where a testator affects to dispose of his own property, by an ineffectual instrument, and (3) show whether evidence *dehors* the instrument is admissible.

6. State proceedings necessary to be taken under the Quieting Titles Act, to obtain a Certificate of Title and the effect of such Certificate under the Act.

7. Explain what is meant by (1) the exclusive and (2) the concurrent, jurisdiction of equity respecting legacies, and classify the various classes of legacies.

8. State the practice under the Judicature Act in moving against the verdict (1) of a Judge without a jury, and (2) of a jury.

9. By what legislative authority may the present Parliamentary constitutions (1) of the Dominion of Canada, and (2) of the several Provinces of the Dominion, be amended or changed.

10. What is the legislative authority of the Dominion Parliament, and of the Provincial Legislatures, respecting the (1) punishment of crimes, and (2) enforcing the provisions of their statutes?