

information by one of the officers of the regiment, the police magistrate of Montreal issues his warrant for the arrest of the editor, in order to have him conveyed to Montreal. The police magistrate of Toronto is called upon to back the warrant. Is he or is he not entitled to do so, and why?

5. In criminal cases, when, if at all, does an appeal lie from the Court of Appeal (Divisional Court) to the Supreme Court of Canada?

6. In case of an action to recover any penalty, under any Act providing for such recovery, within what time limit, at most, must such action be brought?

7. An offender is charged with an offence which is punishable under two different Acts. What option is given to the prosecution under such circumstances? When must a search warrant be executed, and with what exception?

9. As the result of a coroner's inquest, a person is committed, by the coroner, for trial.

Is or is not this a proper proceeding, and what would you suggest in the alternative?

PRACTICE—PASS.

Examiner: M. G. Cameron.

Answer twelve questions only.

1. When a trustee is authorized to invest in either of two specified modes, and by mistake invests in neither, what is the measure of his liability in case of loss to the estate?

2. What right of set-off, if any, has a mortgagee in occupation against the occupation rent?

3. Is it proper for a "master" to report circumstances showing an accounting party to have been guilty of wilful neglect, and default, as a "special circumstance." If so, what must appear to make the accounting party liable? If not, why is it not proper?

4. Where a *lis pendens* is issued, what special privilege has a defendant who desires to compel the plaintiff to proceed promptly?

5. If a solicitor who has given a written undertaking to appear on behalf of a defendant fails to do so, what course are the following parties entitled to take under the rules?

(a) The defendant. (b) The plaintiff.

6. A., B., and C. joint in an action of libel against D. No joint injury is shown. Will they be entitled to proceed with the action in this form? Give the rule governing.

7. Enumerate the cases in which the plaintiff is entitled to judgment without the necessity of filing or delivering a statement of claim.

8. Where a counterclaim is made against a person other than the plaintiff, to what restrictions is it subject?

9. A. brings an action against B., the executor of C., and in his statement of claim alleges that C. made a good and valid *donatio mortis causa* to him. Is that a good pleading? Explain.

10. What is the effect of a solicitor's lien on the right of set-off between parties to an action? Is there any distinction where the set-off is (a) in the same action, and (b) in a separate action?