

9. Contrast the effect at Common Law of a transfer by the holder of a warehouse receipt and a bill of lading. How has the former been altered by legislation in Ontario?

10. How has the Bills of Lading Act (R.S.O., cap. 122) altered the Common Law as to the persons to sue and be sued in respect of matters arising out of the contract contained or evidenced in the bill of lading?

11. (a) Apart from the Assignment and Preference Act (R.S.O., cap. 124), can a creditor be compelled to value any securities held by him before he will be permitted to rank on the estate of the debtor?

(b) Under the said Act which of the following securities must a creditor value:

1. A mortgage on the debtor's farm?
2. A chattel mortgage made by a third person to the creditor?
3. A chattel mortgage made by a third person to the debtor and assigned by the debtor to the creditor?
4. Promissory notes made by C., D., and E., respectively, in favour of the debtor and endorsed over to the creditor? The notes made by C. and D. are not due, the note made by E. is overdue.

12. If a mercantile agent contract a debt on behalf of his principal, can he subsequently pledge the goods of his principal for the debt?

PRACTICE.

Second Year Pass—May, 1894.

*Examiner: M. H. Ludwig.*

1. When will the court grant relief against a forfeiture for breach of a covenant in a lease to insure against loss by fire?

2. What is meant by a (a) mandatory injunction, (b) interlocutory injunction? Give examples illustrating your answer. What must be clearly shown before the court will grant an injunction?

3. State the different classes of debts or demands for which a writ of summons may be specially endorsed.

4. What steps in an action may a plaintiff take where the defendant (a) has entered an appearance after the time limited for appearance, but did not serve notice of entry of appearance on the plaintiff's solicitor; (b) has delivered his defence after the time allowed for delivering same?

5. (a) In what cases may appeals be taken to the Court of Appeal without leave?

(b) When will no appeal lie from a judgment or order?

6. (a) When only will the court entertain a motion to set aside a proceeding for irregularity?

(b) How may an irregularity be waived?

7. A party to an action suing by a solicitor desires to change his solicitor.

(a) Upon what terms will he be permitted to do so?

(b) What steps must be taken to procure the change?

8. How far may a party to an action use in evidence,

(a) His own examination for discovery?

(b) The examination of the opposite party?