

8. A document has been lost, but an acknowledged copy of it is in court. Notwithstanding this, counsel proceeds to examine a witness who had read the original document upon its contents without producing the copy. The opposing counsel objects. What is the position of the examining counsel?

9. A. is convicted of forging a bill of exchange. Afterwards a civil action is brought against him on the bill. How far is the conviction conclusive or admissible as evidence against A. in this action; and how far is it conclusive of the fact upon which the conviction must have proceeded?

10. In what cases, if any, may witnesses be permitted to compare disputed writings with alleged genuine writings of a party to an action?

*Blackstone, Theobald on Wills, The Statute Law, and Pleading and Practice.*

Examiner: M. G. CAMERON.

1. A. makes a devise to B. for life, and after his (B.'s) death to B.'s children, followed by a gift to C. upon the death of B. without leaving children. B.'s children predecease him. Who takes?

2. A. and B. are witnesses to the will of C. Upon a contestation regarding the proper execution of C.'s will, they swear that they did not see him sign. What evidence of attestation must be shown in order to prove the proper execution of the will under these circumstances?

3. A gift is made direct to the children of A. as B. may appoint. In default of appointment, would the children of A. living at the death of the testator and those born after the testator's death, though before the death of B., take? Explain.

4. A. makes a gift to the children of B., to be distributed when the youngest child attains twenty-one years. Will the fact that there is a child *en ventre sa mere* postpone the division? Would the child *en ventre sa mere* be admitted to a share?

5. Define demonstrative, specific, and general legacies, and give an example of each.

6. A. brings an action against B., and succeeds. He is entitled to tax his costs against B. He brings his bill before the taxing officer,

but is dissatisfied with that officer's rulings in certain respects. What steps must he take?

7. When, if at all, can an appeal be made from a master before he has made his report?

8. Can a plaintiff sign judgment when the defendant enters an appearance after the time limited for an appearance has expired, although up to the time of the entering of the appearance the plaintiff has taken no steps in the direction of entering judgment?

If he can, what steps should the defendant take to prevent it?

9. Enumerate what particulars will be ordered in an action of slander.

10. What is the true test to be applied in order to determine whether the answers of a judgment debtor are, or are not, satisfactory?

*Dart on Vendors and Purchasers.*

Examiner: M. G. CAMERON.

1. Under what circumstances, if at all, will a purchase by a solicitor from his client be upheld where the client is seeking to have it set aside?

2. A. gives to B. express authority to sell for him by private contract a parcel of land. B. instead of selling by private contract sells by public auction. Under what circumstances, if at all, would he be justified in so doing?

3. A., the owner of a furnished house, agrees to let it to B., and B. agrees to rent. It appeared that at the time fixed for the commencement of the tenancy the house, owing to defective drainage, was unfit for habitation, and B. declined to carry out his agreement. Would the courts uphold him in this course? Explain.

4. In order to support an action for slander of title, what must the plaintiff prove?

5. A house long known and rated as 39 Peter Street, Toronto, was sold in Toronto by auction by that description, and the purchaser bought it without previous enquiry, and then found that it was not actually on Peter Street, but on a side street commanding no lake view, and was a smaller house than the house on Peter Street. Can the purchaser be held to his bargain? Explain.