

## EXAMINATION PAPERS.—CORRESPONDENCE.

fuses to leave the property, and an action being brought to recover possession, sets up his infancy and the invalidity of the conveyance. Who should succeed in the action, and why?

5. A testator bequeaths his household furniture to his widow upon condition that she shall never marry, and in the event of her marrying again it is to go to her servant. Is the condition a valid one? Give reasons.

6. What is the rule in equity as to the right of a solicitor to purchase property from his client during the continuance of the relationship?

7. What was the former rule in equity as to the right of a surety on payment of the debt to receive an assignment of the securities held by the creditor, and how has that rule been modified by statutory provision?

8. Where a right, title or interest in lands is in question in an action, what step can the plaintiff take in order to prevent the land from falling into the hands of an innocent purchaser for value without notice of the plaintiff's rights?

9. Give a short sketch of the law relating to appropriation of payments as between debtor and creditor.

10. Distinguish between the different measures of relief afforded at law and in equity to one of several sureties who is compelled to pay the whole debt, in a case where one of his co-sureties is insolvent.

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*Benjamin on Sales, and Smith on Contracts.*

1. Under what circumstances can, and under what circumstances cannot, a vendee who has purchased goods by fraud, transfer them to an innocent purchaser for value, so as to enable such innocent purchaser to hold them as against the original vendor?

2. Define *fructus industriales* and *fructus naturales*; and explain the difference between them as regards the application of the fourth section of the Statute of Frauds.

3. A. sells to B. a certain stack of hay standing on his farm for \$30, the stack to be allowed to remain where it is for one month, and not be removed until paid for. During the month the stack is accidentally burnt before any of it is removed or paid for. Is B. obliged to pay for it? Reasons.

4. When a vendor delivers goods to a common carrier to be sent to the purchaser, is the carrier as a general rule in contemplation of the law the bailee of the vendor, or of the purchaser?

5. What is the effect in regard to the passing of the title, of goods being put by the vendor on board the purchaser's own vessel; and how may that effect be prevented?

6. When may a party rescind a contract of sale on the ground that he has been induced to enter into it by an innocent misrepresentation of fact not amounting to a warranty?

7. Where a purchaser has been induced to buy goods through the fraud of an agent of an innocent vendor, what remedies has the purchaser, and against whom?

8. Explain the difference, as regards the effect upon a sealed contract, between the illegality of part of the consideration and the illegality of some of the covenants.

9. What exceptions are there to the rule that money paid in pursuance of an illegal contract cannot be recovered back?

10. Will evidence of a *parol* admission by a debtor that he has made a payment to his creditor on account of a debt within the statutory period be sufficient to take the case out of the Statute of Limitations? Give reasons.

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**CORRESPONDENCE.**

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*RAIDS ON THE PROFESSION.*

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To the Editor of the LAW JOURNAL;

SIR,—I beg to call your attention to the fact that in a certain town not more than sixty miles from Toronto, a chemist and druggist has undertaken to practice as a conveyancer, in addition to his ordinary business, and he boastfully informed the writer that he did as much conveyancing as any of the lawyers. Now, why should this state of things exist? If a lawyer undertook to sell and dispense drugs, he would be immediately prosecuted at the instance of the druggist; yet, the latter may with impunity infringe on the business of the former, and even boast of it. How long is this evil to continue? In no other country in the world can every Tom, Dick, or ~~Jim~~ practise this most important branch of the law without being duly qualified. Surely an influential body like the Law Society ought to be strong enough to protect its members against this iniquity.

Yours, very truly,

ONE OF THE INJURED.