

## LAW STUDENTS' DEPARTMENT

3. Illustrate by two examples the change wrought by the Statute of Frauds as to the creation of trusts of real estate. Let one example show the mode in which such trusts might have been created before the statute, and the other show the mode which must be adopted since the statute.

4. State the only modes in which, apart from legislative enactment, a trustee may be relieved of the burden of his trust.

5. Discuss the right of a *cestui que trust* to follow the trust estate, which by virtue of a breach of trust has come to the hands of a third person.

6. Explain what is meant by the maxim "once a mortgage always a mortgage," and show how this conflicts with the common law maxim *modus et conventio vincunt legem*.

7. Explain the principle upon which the marshalling of assets is founded.

*Honors.*

1. "While recognizing the rule of law, and even founding upon it and maintaining it, a Court of Equity will, in a proper case, get round about, avoid, or obviate it." Illustrate this passage by an example.

2. *Qui prior est tempore, potior est jure*. Explain the meaning of this maxim, and illustrate its application by an example.

3. Give a state of facts in which there will arise a resulting trust of an unexhausted residue.

4. State shortly the rights which, under the old common law, a husband acquired in the property of his wife, and the obligations under which he acquired the same; and state the extent to which (apart from statutory enactment) the Courts of Equity refused to recognize such common law rights.

5. Discuss the right of executors to carry on the trade of their testator: (1) where there is no reference thereto made in the will; (2) where the will directs them so to do. And discuss the right of creditors arising from such trading to recover their claims: (1) as against the executors; (2) as against the estate.

6. Distinguish between a mortgage and a sale with right of repurchase: (1) as to the form of the transaction; (2) as to the different consequences resulting therefrom. State the circumstances which will generally guide one in deciding under which of these classes a given transaction will fall.

7. State the modes in which (apart from legislative enactment) a married woman may acquire equitable separate estate; and state shortly her power of disposing thereof, (a) by conveyance, (b) by incurring debts; (1) as to her separate personality, (2) as to her separate realty.

*Broom's Common Law, and O'Sullivan's Government in Canada—Honors.*

1. In what cases, and under what circumstances, may an executor be sued for a tort committed by the testator?

2. If one maker of a joint and several promissory notes give to the holder a mortgage to secure the amount, and therein covenants to pay it, is the other maker discharged on the ground of merger of the simple contract debt in the specialty? Give reasons.

3. A man purchases a lamp for the use of his wife from the manufacturer, who warrants it to be properly constructed: by reason of its improper construction, it explodes and injures the wife. Can she maintain an action against the manufacturer? If not, state what additional facts would require to be proved to support her action, and give reasons.

4. Explain briefly, and in general terms, what amount of personal inconvenience inflicted by one person on another is sufficient to constitute a nuisance which the Court will restrain.

5. What difference does it make, as to the presumption of the wife's agency for the husband in purchasing goods, whether they are living together or apart?

6. The driver of an omnibus drives into another omnibus while both are on their ordinary route. Is the proprietor of the first omnibus liable for the damage done to the other, (a) if it was done purposely, from some spite which one driver had against the other, (b) if it was done through careless driving on the part of the driver of the first omnibus. Reasons.

7. What Courts in Ontario (if any) have the right to refuse to give effect to a Dominion Act on the ground that it is *ultra vires*?

LITTELL'S LIVING AGE.—The numbers of *The Living Age* for Oct. 18th and 25th contain: The Younger Pitt as an Orator, *National Review*; The Philosophy of John Inglesant, *Modern Review*; Lord Lyndhurst, *London Quarterly Review*; Sport and Travel in Norway, *Fortnightly Review*; The Darwinian Theory of Instinct, *Nineteenth Century*; Ralph Bernal Osborne, and On the Reading of Books, *Temple Bar*; The Sanitorium of the Southern Ocean, *Cornhill*; Modern Cathedrals, A Small-pox Camp, and Gambling on Atlantic Boats, *St. James' Gazette*; Book-selling in Russia, *Spectator*; Raphael as an Architect, *Academy*; Moorish Ambassador in Spain, *Athenæum*; Curious Newspapers, *Chambers' Journal*; with "Mr. Pudster's Return," "The Hermit of Saint-Eugene," and instalments of "At Any Cost," and poetry.

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