

# MCGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1863.—FRIDAY, 17TH APRIL, 4 TO 6 P.M.

## OBLIGATIONS.

FIRST YEAR.

*Examiner*,..... PROFESSOR E. CARTER.

1. What is the legal definition of an obligation? State the various kinds of obligations as defined by Mr. Pothier, and the distinctive characteristics of each.
2. What is of the essence of obligations; and state the various causes from which they proceed?
3. What is a pollicitation; and in what respect does it differ from an obligation?
4. What defects may occur in contracts? Describe minutely each of them, and under what circumstances they will render the obligation null and void?
5. What rules exist in relation to the interpretation of contracts, in so far as they may affect the liability of the parties to it?
6. What is a conditional obligation, and what is the effect of the condition? What is a resolutive condition, and what constitutes the difference between it and one which is not resolutive?
7. What is the effect of an obligation *à terme* with a term, and in what respect does it differ from a conditional obligation?
8. What is an alternative obligation? Define the rights of the creditors and of the debtors under it; also in what respects is the liability of the debtor affected by the extinction of one of the things due; also if both perish, one by his default and the other without it.
9. What is the effect of solidity in obligations on the part of creditors—of debtors; and state the different modes in which the obligation in solido on the part of debtors may be contracted?
10. Under what circumstances will the creditor be considered to have renounced to his right of solidity? In what manner can prescription as against all the co-debtors be interrupted? What would be effect of a discharge by a creditor to one of the co-debtors in solido, in so far as his remedy against the other debtors is concerned?