

conversation that there was a written agreement, defendant having denied that such was the fact. How far is the evidence admissible? Why?

2. In dealing with a lost document, as far as concerns its value and weight as evidence, distinguish the functions of the Judge from those of the Jury.

3. How far may apparent deficiencies in a document be supplied by oral evidence?

4. How far will a verdict against a testator or intestate bind his representatives?

5. In an action for goods sold and delivered, plaintiff proves delivery of the goods to and receipt by the defendant, defendant having been in the habit of selling goods on commission for the plaintiff. Defendant calls no evidence, but claims that the plaintiff should fail, not having proved an order. How far should he succeed? Why?

6. How may *Infancy* be proved?

7. What is the rule as to the apportionment of entire contracts? Illustrate by an example.

8. Explain the limitations which are required by Statute in the case of chattel mortgages to secure advances and to secure against endorsements respectively.

9. A. insures his life for the benefit of his wife and children. After paying premiums for ten years he wishes to surrender the policy and take its surrender value, but the company declines, on the ground that the policy is not his property, having been made out for the benefit of his wife and children. Is the company right? Why?

10. "An agreement may be void by its connection with an unlawful purpose, though subsequent to the execution of it." Discuss this statement.

EQUITY.

1. A., who is carrying on business for himself, procures B. to become surety for the honesty of his clerk C. After this he enters into partnership with D. C. subsequently embezzles some of the partnership moneys. Action is brought against the surety for indemnity; he disputes the liability. Who should succeed, and why?

2. What, if any, statutory provision is there affecting the rights of the mortgagee to distrain for arrears of interest?

3. A. leases a farm to B. for a term of five years. There is a proviso in the lease that B. shall have the privilege of purchasing on giving certain notice, and paying on a certain day. B. gives the required notice, but does not pay the money on the exact day named. He, however, tenders it the next day. A. declines to take the money or carry through the purchase on the ground of delay in payment. Can B. compel specific performance? Reasons.

4. A. owns farm Blackacre; he rents farm Whiteacre, which adjoins Blackacre, from B.; he, without any intention of acting fraudulently, removes the boundary fence. When the lease expires it is impossible to find the original fence-line between the properties. Is there any remedy in equity? Explain fully.

5. State fully the necessary proceedings where you are applying for the sale of the land of infants.

6. A. enters into an agreement in writing for the sale of certain property from B., mentioned therein as follows: "A house and lot in the city of Hamilton, more particularly described in a mortgage to the Canada Permanent for \$5,000." A., on B.'s refusal to carry out the contract, brings action for specific performance. B. sets up in defence the statute of frauds. Who should succeed? Explain.

7. State the law as to the right of a tenant to call upon his landlord to interplead when adverse claims are made against him for rent.

8. A., a trader in insolvent circumstances, goes to B., who is a creditor, and asks him for a loan of \$1,000 to enable him to carry on his business. B. agrees to do so on being secured for that amount and his previous indebtedness. A. afterwards makes an assignment deed; the assignee endeavors to have the security set aside as a fraudulent preference. Can he succeed? Explain.

9. A. is a receiver in possession as such of certain real estate; B. considers himself entitled to it. In what way can B. test his claim?

10. Define the term subrogation, and exemplify.

Miscellaneous.

ERRATA.—Owing to the absence from Toronto of the writer of the article on "Maintenance," ante p. 385, we were unable to submit a