

nor B. appropriates the payment, how will the law apply the payment?

10. What is the liability of a husband married since 1st July, 1884,

(a) For debts of his wife contracted before marriage.

(b) For torts committed by his wife before marriage.

(c) For torts committed by his wife after marriage.

CALL.

Equity and Criminal Law.

Examiner: A. W. AYTOUN-FINLAY.

1. Can a mortgagee be compelled to produce the title deeds of the mortgaged estate?

Explain the position of the parties when inspection of the title deeds is desired.

2. A. and B. purchase an estate for which B. alone advances and pays the purchase money.

(a) To what extent, if any, has B. a lien or mortgage on the land, or what right has he?

(b) Subsequently to the purchase partition of the property is made. How does this effect B.'s recovery of the part purchase money?

3. A. agrees to deliver to B. 1,000 bushels of a particular kind of barley, to be harvested, at a future day, from a certain field. This specific crop of barley is a failure to a large extent.

What is the liability, if any, of A. to B. on his contract, and why?

4. A mortgagee is in possession of the mortgaged estate.

Certain adjacent coal mine owners trespass upon the mortgaged estate, and take coal therefrom.

The mortgagor requires the mortgagee to account for the value of the coal.

What, if any, is the mortgagee's liability, and why?

5. In consequence of the ignorance or negligence of a solicitor, employed by trustees to prepare a mortgage, a loss occurs.

Can the trustees be held liable? Give reasons for your answer.

6. In what cases will an action for libel lie without laying special damage?

7. In what cases may, and in what cases may not, a magistrate take bail?

8. A *private* individual holds certain persons lawfully in his custody.

They escape therefrom.

How far is he liable (a) where the escape is due to negligence on his part? (b) Where he has connived at it?

9. Define the *crime* of perjury at common law.

A. swears to a certain state of facts, which state of facts did not exist as he has stated.

What is the test as to whether he has or has not committed perjury?

10. What nuisances are indictable?

When will an indictable nuisance give rise to civil action also?

Best on Evidence.

Examiner: A. W. AYTOUN-FINLAY.

NOTE.—Answers to each half of this paper to be handed in separately.

1. Explain and illustrate the maxim *res ipsa in se dolum habet*.

2. What does Mr. Best give as the one general rule of evidence *in causa*, and what are the three chief applications of it?

3. Under what circumstances, if any, is a witness privileged to refuse answering a question, when the answer may subject him to a *civil* suit?

4. What are the rules governing the admissibility of (a) the first wife, (b) the second wife, as a witness in cases of bigamy, and why?

5. What is the rule as to admissibility of *character* evidence, and how far is it open to the other side to contradict such evidence?

Dart on Vendors and Purchasers.

Examiner: M. G. CAMERON

1. A. is employed by parol to purchase an estate for B., at a certain price. Can he bind his principal by his written agreement to buy it for a larger sum; and if not, has the seller any remedy against the agent?

2. Is a vendor bound to disclose to a purchaser a latent defect in the title if the estate be sold subject to all fault? Explain.

3. A. was employed by B. to find a purchaser at a certain price for a parcel of land, and by way of compensation he was to be paid a certain percentage if a sale were effected. A. found a purchaser, but B. refused to complete the sale. What are A.'s rights against B.? Explain.