

4. From what losses is a carrier by water exempt at common law, and against what species of losses will not even the usual express exemptions in the carriage agreement exempt him?

5. A bond is made to A., B., and C. jointly, to secure payment of \$1,000 to C.: C. dies. Who could maintain an action on the instrument at common law? Why? Is there any change now? If so, what?

6. State the present Statutory provisions in Ontario as to compensation for injuries to workmen.

7. A. has a factory in which B., C., and D. are employees; A. agrees with B., C., and D. that, in addition to wages, they shall be severally entitled to a share of the profits; the concern fails, and it is sought to make B., C., and D. liable as partners for the liabilities. What is their real position? What authority?

8. A. is killed in a railway accident in May, 1889; no letters of administration are taken out for his estate, but in April, 1890, his widow issues a writ against the company for damages; the company objects that the administrator should sue, and that there being no administrator, the action is not rightly brought. Is the objection right? Why?

9. State fully the limitations to the rights of a factor to pledge the property of the real owner.

10. In what cases can you get a writ of execution by leave of the Court?

#### Contracts.

1. Could the rights of a party under a contract be transferred by him to another at common law? If so, how?

2. State the principal rules as to acceptance in performance of a contract.

3. What difference is there as to right of action by vendor against buyer where the property has or has not passed?

4. What is the liability of a carrier for delivery to a fraudulent purchaser?

5. What effect has a sale dependent on an act to be done by a third person?

6. If goods are sold on credit what is the effect of the transaction on the vendor's lien? Why?

Suppose the goods remain in the vendor's possession after the term for credit is expired, what is the effect?

7. A. signs a contract with B. for a purchase of goods over \$40. He signs the contract without qualification. B. seeks to give oral evidence that A. signed really as agent for C. Can he do so? Why?

8. Explain the following expressions: "F. O. B." "Say about" such a quantity. "Sale or Return."

9. In what case is a sale of things not yet in existence good?

10. On a sale of an ascertained chattel is there any, and if so, what warranty of title?

#### CERTIFICATE OF FITNESS.

##### *Real Property and Wills.*

1. A bequest is made to the children of A., to be divided among them equally when they attain the age of twenty-one years. Some die before reaching twenty-one, others attain that age. How should the property be divided?

2. What rules govern where legacies are repeated (a) in one instrument, (b) in two instruments, viz., a will and a codicil?

3. Within what time must a will be registered? What is the effect of non-registration?

4. A bequest to "A. and his family." Construe this.

5. There are several persons tenants in common of certain lands, they mortgage the same. The mortgagee enters into and continues in possession for ten years. During the ninth year of his possession he gives one only of the mortgagors an acknowledgment in writing of his title. Who is entitled to redeem? Supposing the case of several mortgagees in possession for ten years, when in the ninth year one of them only gives an acknowledgment to the mortgagor, what effect has this? Reasons.

6. What are the provisions of the Vendors and Purchasers' Act, in respect of summary applications to the High Court?

7. State the nature of a mechanic's lien. Within what time must it be registered, and what steps are necessary to keep it existing?

8. A. owns a lot in Toronto, on a portion of this he has built a house whose windows look into the vacant portion of the lot. A. grants the vacant lot without any reservations to B., he then sells the house to C. B. shortly after commences building so as to obstruct the lights of the adjacent house. C. seeks to prevent him by injunction. Can he succeed? Explain.