

LAW STUDENTS' DEPARTMENT.

Smith on Contracts—The Statute Law.

1. A grantor delivers an executed deed to the grantee therein named, saying at the time in express terms that he intends the delivery to be conditional on the performance of some condition. What is the legal effect of this? What is an escrow? Explain fully.

2. What is the test of the admissibility of oral evidence of custom for the purpose of varying or explaining a written contract?

3. What is the marked distinction between bills of exchange and promissory notes and other simple contracts? Explain and illustrate your answer.

4. What is the legal effect of a deed providing for the support of a wife on the occasion of an immediate separation? Give reasons for your answer.

5. What effect will the reconciliation and living together of man and wife after execution of a lawful deed of separation have on the deed? Explain your answer fully.

6. In how far, if at all, is the general rule, that, *where money has been paid upon a consideration which totally fails, an action will lie to recover it back again*, true where the contract is an illegal one?

7. A and B are co-sureties to C for the debt of D to C. C has obtained judgment and execution against D, but is unable to realize, and is threatening proceedings against A and B. State shortly the rights and remedies of the various parties mentioned, with special reference to any statutory enactment affecting them.

8. Give the principal rules for the construction of contracts referred to by Mr. Smith.

9. A wishes to purchase certain goods from B, which are to remain in the possession of B after the sale. What formalities would you advise them to comply with in order to secure their intentions being effectually carried out? Give reasons for your answer.

10. What is a registered lien under the Mechanics' Lien Act, and wherein does it differ from an unregistered lien?

BARSTOW SCHOLARSHIP.

CONSTITUTIONAL LAW AND LEGAL HISTORY.

1. Trace the connection between the compurgators of Saxon times and the jury under the early Plantagenets, marking the steps of the development of the institution of the jury, and showing how their position was understood in the times of Mary I. and of Charles II. respectively.

2. Describe the machinery by which justice was administered under Henry II., and specify the principal modifications which it had undergone by the close of the reign of Edward III.

3. Explain the purport of the Statute of Fines. To what motives has this enactment been attributed, and what are Hallam's conclusions as to the tenability of this theory? For what purposes were they principally used, and when were they abolished? What are the modern substitutes for them?

4. Sketch the history of the law determining the duration of Parliament and the frequency of its summons, and point out the existing securities for its annual convocation.

5. What is understood by the privilege of freedom from arrest enjoyed by Members of Parliament? Shortly sketch the history of this privilege, mentioning any notorious cases in which it has been violated. Why has this privilege lost much of its practical importance, and what does it at the present day practically amount to?

6. Lord Shaftesbury, in 29 Car. II., having been committed to prison, sued his writ of Habeas Corpus, the return to which stated that he was imprisoned "by order of the Lords Spiritual and Temporal during the King's pleasure, and during the pleasure of this House, for certain high contempt against this House." Could any objections have been taken to the validity of this return?

7. How does Lord Mansfield define "Liberty of the Press"? Give a short history of the subject, showing how it has been from time to time repressed, and stating the purport (according to Scroggs) of the opinions of the judges upon this subject. What is at present deemed to be the limit of lawful publication of comments on the management of public affairs or on the conduct of public men?

8. What points were settled in the reign of Charles II. as to the judicial powers of the House of Lords? Briefly state the cases in which the questions on this subject were raised.

9. What was Sir Henry Vane's defence on his indictment for treason, and how was it dealt with by the Court? What is Hallam's principal censure upon the conviction of Vane? How far is it conclusive? What points upon the law of treason or upon the procedure for that crime were raised in the several cases of Sidney, Messenger and Armstrong?

10. What arguments were there for and against the clause in the Act of Settlement excluding placemen from the House of Com-