

## LAW STUDENTS' DEPARTMENT.

8. What is the effect of a bill of lading in the hands of an endorsee for value as evidence against the signer? Answer fully, giving reasons.

9. Under what circumstances and subject to what limitations can a transfer by way of endorsement of a warehouse receipt be taken as security for debt?

10. What statutory powers of dealing with goods have been conferred on an agent entrusted with the possession of them?

FOR CALL—MICHAELMAS TERM: 1878.

*Stephen on Pleading—Byles on Bills—Common Law: Pleading, and Practice, and the Statute Law.*

1. What was the original method of commencing an action of replevin and how it is now commenced? State fully the statutory provisions involved in your answer.

2. In an action on a bond the plaintiff declares that at the time of the sealing and delivery the defendant was of full age, would it be good pleading to traverse this allegation? Give the reason for your answer, state the general rule on which your answer depends, and draw the plea as it ought to be, the action being in the Queen's Bench, A v. B.

3. State and exemplify the rule as to pleadings with respect to acts valid at common law, but regulated as to the mode of performance of them by statute.

4. In an action of assumpsit for work and labour done the defendant pleads that the work was done under a contract that no remuneration should be claimed except for money out of pocket, and also in another plea that the work was done under a contract that no remuneration should be claimed if the work should turn out to be useless, and that it had done so. State any faults you can discover in these pleas, and the plaintiff's remedy, with special reference to any general rules of pleading which may be involved in your answer.

5. What provisions have been made in regard to seizure of promissory notes and bills of exchange under *fi. fa. goods*? Answer fully.

6. What difference is there in respect to the burthen of proof between the position of a holder without value and a holder with notice? Answer fully.

7. A is indebted to B in a sum of \$200. A comes to B with some bills and notes, and leaves them with him, with directions to collect them and apply the proceeds in payment of a debt due from A to C. B. takes the bills and notes, collects them, and has sufficient proceeds to pay off the debt to C, but retains 200 dollars in his

own hands, and refuses to pay C. What is the legal position of A and B in regard to the transaction? Answer fully, referring to any Statute which may incidentally be introduced in discussion of the question.

8. A foreign Bill of Exchange is made in three parts, and A, B, and C, become respectively *bona fide* holders of the first, second, and third parts respectively. Which of these holders would be entitled to the bill, and what remedies would they have as between themselves?

9. A witness resides in the Province of Quebec. What methods are provided of obtaining his evidence? State fully the various steps to be taken as to these methods.

10. State shortly the various steps necessary to be taken where an appeal is to be had from a County Court

*Lewis's Equity Pleading—Taylor's Equity Pleading and Practice.*

1. What are the various kinds of demurrers? Can there be a demurrer in any case if the plaintiff is entitled to some of the relief that he has prayed?

2. What is the rule as to the plaintiff's right to ask alternative relief in his bill? Give an example in which it might be prayed, and one in which it could not.

3. Apply the rule that all persons interested in the subject matter must be parties to a bill, giving one case in which a demurrer would be allowed and one in which it would be overruled.

4. If an answer neither traverses nor confesses, and avoids the statements in the bill, what is the plaintiff's course.

5. The rights of A and B depend upon the sanity or insanity of a testator. A compromise is effected. A afterwards files a bill against B to avoid the compromise on the ground that the latter "knew the testator was sane." Is this bill open to objection?

6. What is the real objection to a bill which alleges that "one of the defendants alleges, and the plaintiff believes," some material fact?

7. What is a supplemental statement, and when and how may it be filed?

8. Mention the grounds upon which the Court will decree the dissolution of a partnership. Is incompatibility of temper a ground?

9. Previous to his marriage, A covenanted to pay his intended wife a sum of money at a certain time. He died intestate, without having paid anything, and his widow became entitled to a share of his personalty. Can she recover, in addition to her distri-