

EXAMINATION PAPERS.

the condition of the bond, and action is brought to recover the damages sustained. The father defends the action upon the ground that at the time when the bond was given the employer was aware that the clerk had been guilty of former acts of dishonesty in his employment, and did not disclose that fact, of which the father was not aware, and upon the further ground that the employer has not first sought to recover from the clerk. Give your opinion as to the validity of the defences and state reasons.

4. A marriage settlement is made pursuant to ante-nuptial contract, whereby the property of both husband and wife is settled. The husband brings action to rescind the settlement on the ground that the wife fraudulently misrepresented the nature and the value of her property, and thereby induced him to become a party to the settlement. Has he good ground of action? Explain fully.

5. What was the rule in equity as to the right of a vendor to fix a reserved price, or to employ a person to bid for him, at an auction sale, and how has this rule been modified as to real estate by statutory provision?

6. A. enters into a bond to B. conditional to pay the latter \$1,000. A. afterwards comes into equity to set aside the bond on the ground that the only consideration given for the bond was the promise of B. that he would smuggle a certain cargo for A., so as to escape the customs duties, and that he had failed in the undertaking. B. defended, on the ground that such failure was caused by the personal interference and gross negligence of A., and demurs for want of equity. What are the rights of the parties? Explain fully.

7. What is the rule in equity as to the right of a trustee for sale, to purchase the trust estate from his *cestui que trust*, or from himself as representing that *cestui que trust*?

8. What steps must a simple contract creditor take in order to give him a status to maintain an action on his sole account, to set aside a fraudulent conveyance made by his debtor?

9. What is the effect of the Statute 27 Eliz. ch. 4, relating to voluntary conveyances, and in what way has the effect of that statute been modified by the legislation of this Province?

10. Blackacre is worth \$5,000 and Whiteacre is worth \$10,000. The owner mortgages both of them for \$10,000, and then sells Blackacre to A., subject to the mortgage, and Whiteacre to B., subject to the mortgage. The mortgagee, under a power of sale in his mortgage, sells Whiteacre for just sufficient to pay off his mortgage. What remedy has B? Give reasons.

Real Property and Wills.

1. When can trustees invest the trust funds in the purchase of real estate? What is the general rule as to the kind of title that they should require when so purchasing?

2. What is the law governing the conduct of a purchaser as to (a) disclosure of advantages; (b) misleading the vendor; (c) concealing facts which increase the vendor's interest in the property?

3. What is the difference between *showing* title and *making* title? Explain fully.

4. What law governs the administration of the personality, and the construction of the will respecting it, of a person dying out of Ontario? What law governs in a like case as to realty?

5. A testator directed land and personality to be converted into money, and that his debts and legacies should be paid thereout, and the residue he gave to certain legatees. Some of these legatees having died in the testator's lifetime, their legacies lapsed. How are the lapsed shares to be disposed of? Why?

6. Explain descent *per stirpes* and *per capita*, and give instances of each.

7. A. dies intestate, seised of Whiteacre, and leaving a widow and one son (B). The son (B.) dies intestate, seised of Whiteacre, and leaving a widow and one son (C). The grandson (C.) dies intestate, seised of the same land, leaving a widow and children. The three widows being alive, how is dower to be allotted?

8. Land is devised to A. and B. upon certain trusts which they do not desire to be burdened with. What course should they adopt? Explain fully.

9. If a mortgagee buys, at a sale by the sheriff, under an execution, the equity of redemption in the mortgaged lands, what is the result, and what are the rights of the mortgagor thereafter?

10. What is a base fee within the meaning of the Act respecting estates tail?

Harris on Criminal Law.—Broom's Common Law.
Books 3 and 4.—Blackstone, Vol. I.

1. Explain the nature and effect of the different presumptions as to the criminal capacity of infants of different ages.

2. What constitutes *misprison of Felony*? Explain by example.

3. Give three instances of a man killing another by fighting; one in which the killing is *murder*; another in which it is *manslaughter*; and another in which it is *excusable homicide*.

4. State accurately the rule of the criminal law in reference to the evidence of an accomplice.