

EXAMINATION QUESTIONS—CONTEMPORARY JOURNALS.

Real Property and Wills.

(Honours.)

1. What are the respective rights of vendor, purchaser, and insurance company, when a loss by fire occurs on property contracted to be sold, before the sale is completed, where nothing is said as to insurance in the agreement for sale?
2. A. buys the growing timber on a piece of land. Subsequently B. advances money upon mortgage of the land, which is not a sufficient security for it without the timber, and registers his mortgage without notice of A.'s purchase. A. having commenced to cut the timber, B. issues a writ and applies for an injunction to restrain the cutting. What are the respective rights of mortgagee, owner, and purchaser of timber?
3. The owner of an estate, which is partly in the County of York and partly in the County of Ontario, mortgages the same. A creditor recovers judgment against him. He has no goods. How would you obtain payment out of the lands? Explain fully.
4. A testator directs that his debts and legacies be paid out of a certain portion (describing it) of his real estate, which he devises to his executors for that purpose. Is the purchaser of the lands bound to see to the application of the purchase money? Explain fully.
5. A. is in possession of land as tenant at will. The owner devises it to A. for life, remainder to B. in fee. A. attends at the reading of the will, but says nothing. He remains in possession as before, and nothing transpires until after the lapse of fifteen years from the date of his taking possession, when he executes a conveyance in fee simple to a purchaser. The purchaser files a petition to quiet the title, and B. is notified according to the usual practice, and appears as a contestant. Who should succeed? Why?
6. A. and B. verbally agree to buy land, and to share equally the profits gained by a re-sale. The conveyance is taken to A., and the land is sold at a profit, whereupon A. refuses to account to B. for his share, on the ground that the agreement should have been in writing. Discuss the rights of the parties.
7. Where no will is found at the death of a person who is known to have made a will, what is the presumption? How may it be rebutted?
8. Where it is shown that a will had been made by a testator and never revoked, but it cannot be found at his death, how can probate be obtained? State the nature and quantity of evidence to be adduced.
9. What is the effect of a condition of sale which reads that "the vendor will not be bound to produce any documents not in his possession?"

10. A purchaser's solicitor pays the purchase money to the vendor's solicitor, and obtains a conveyance in statutory form but without the receipt for the purchase money which is usually found in the margin of the statutory forms. The purchaser mortgages the land, and both deed and mortgage are duly registered. The vendor then claims a lien on the land for the purchase money, and it appears that he had never received it from the solicitor who acted for him in the sale. What are the respective rights of all parties? Discuss fully.

ARTICLES OF INTEREST IN CONTEMPORARY JOURNALS.

- University representation.—*Law Magazine*, Nov., 1883.
- French and English criminal procedure.—*Ib.*
- The future of the legal profession.—*American Law Review*, Sept., October, 1883.
- The Common Law and Statutory right of woman to office.—*Ib.*
- Criminal law—Former jeopardy.—*Ib.*
- Of the enforcement of debts contracted and liabilities incurred by Receivers of Railroads.—*Ib.*
- Constructive notice, its nature and limitations.—*Ib.*
- Burden of proof in criminal prosecutions.—*Ib.*
- Criminal law—void sentences (Pretended judgment—No jurisdiction—No officer-at-law—No authority to impose).—*Criminal Law Magazine*, Nov., 1883.
- Presumption and the burden of proof.—*Ib.*
- Nolle Prosequi.—*Ib.*, January.
- Irregularity in punishment.—*Ib.*, (from *Nineteenth Century*.)
- Noise and vibration as elements of nuisance.—*American Law Review*, Oct., 1883.
- The Remedies for the collection of judgments against debtors who are residents or property holders in another State or within the British Dominion.—*Ib.*, Nov., 1883.
- Some points of comparison between English and American Legislation as to married Women's property.
- Marginal notes and head-lines of statutes.—*Irish Law Times*, Oct. 13th, 1883.
- Presume to Statutes.—*Ib.*, Dec. 15th., 1883.
- Legacies given in a particular capacity.—*Ib.*, Oct. 27th.
- The privilege of Counsel and Solicitors acting as advocates.—*Ib.*, Dec. 8th.
- Interpretation of common words and phrases, from *Albany Law Journal*.
- Move—Remove—Wheat—Vacant—Loading—Conceal—Cattle—guards—Threats—Trinkets—Manufactured Silk—Glass—Damages by the elements—Voluntary—Walking or being.—*Ib.*, Oct. 27th.
- Presence—Domicile—Residence—Clerk—Track—Absolutely necessary—Manufacturer—Confectionery—House—Family—Exclusive—Uninterrupted and Continuous.—*Ib.*, Nov. 10th.
- Public-bar—Store—Manufacture—Operation of Railway—Additions—Good health—Open account—Olographic will—Tool—Between sundown and sunrise.—*Ib.*, Nov. 17th.
- Apparatus and appendages—Bucket-shop—Device—Good faith—operation of Railway—Tools—Box.—*Ib.*, Dec. 1st.
- Lost—Misaid—Encroachment, obstruction—Ceased—Necessaries—Literary—Either—26th *Ib.*
- The presumption of continuance.—*Ib.*, Oct. 27th.
- The presumption of identity.—*Ib.*, Nov. 3.
- Devise for life with power of disposal.—*Ib.*, Nov. 3.