

7. A. digs a pit on his own land adjoining a public road. B., accidentally diverging from the road, falls into the pit and is injured. Can he recover? Explain.
8. What is meant by slander of title, and when is it actionable?
9. State and explain three extraordinary remedies which the Court can afford at common law.
10. Distinguish between a crime and a tort.

SECOND YEAR.

PRACTICE.

Examiner: M. H. Ludwig.

1. What steps must a plaintiff in an action take, and what must he show before the court will strike out the defendant's appearance and allow the plaintiff to sign final judgment under Rule 739.
2. What is meant by a writ of sequestration? Illustrate your answer by an example.
3. Has a creditor a right to examine an employee of his debtor with a view of ascertaining what property the debtor has to satisfy the creditor's claim? If you say he has the right, how would you proceed to procure his examination?
4. Why is it that a plaintiff will, in certain cases, disentitle himself to judgment, under Rule 739, because he claims interest? Answer fully.
5. What defences are open to a defendant in a suit brought in Ontario on a judgment recovered in Quebec where the service of the writ of summons (a) was, (b) was not, personal?
6. How would you proceed to enter judgment if the defendant has not appeared where the writ is specially endorsed, but a solicitor had accepted service for the defendant? Answer fully.
7. A person resides out of Ontario, and a party to an action requires his evidence for use at the trial. How must he proceed to procure such evidence? Answer fully.
8. What are the provisions of the Judicature Act respecting the time from which a verdict or judgment shall bear interest?
9. Where a judgment is against partners sued in the firm name, out of what property may the plaintiff realize the amount of his judgment?
10. If an action is commenced against a tenant to recover possession of land occupied by the tenant, what steps must the landlord take if he desires to come in and defend?

PERSONAL PROPERTY.

Examiner: J. H. Moss.

1. An executor brings in his accounts, claiming credit for payment of a debt of the testator which he admits was to his knowledge barred by the Statute of Limitations. The beneficiaries dispute the item. Should it be allowed?
2. "It is impossible for a man to make a valid grant in law of that in which he has no actual or potential property, but which he only expects to have." How can this statement be reconciled with the prevalent practice of merchants of chattel-mortgaging their future stock-in-trade?