

C 35917

Law School.

MAY EXAMINATIONS: 1897.

THIRD YEAR.

HONOURS.

REAL PROPERTY AND WILLS.

Examiner: EDWARD BAYLY.

1. A contracts in writing with B. to lease from him certain premises for \$500 a year for four years from 25th day of March, 1896. A refuses to observe the contract. What are B's remedies? If he sues for damages, what is the measure?

2. A agrees in January, 1892, in writing, "To rent from B. his house, No. 2410 Hagerman St., Toronto, for one year," and signs the agreement. A does not carry out his agreement, and B., in April, 1896, brings an action for damages. Can he recover? Reasons.

3. A testator devises all his lands to A., and dies having no real property, but having a general power of appointment over Blackacre. Does Blackacre pass to A. by the devise? Explain.

4. A testator bequeaths \$5,000 out of the residue of his personal estate to A. and the residue to B. The gift to A. fails. Does B. take the \$5,000. Give reasons.

5. A bequest of \$1,000 and a devise of Whiteacre is made to "A. or his heirs." A. dies in the testator's lifetime. Who will take the legacy and devise respectively? Explain fully.

6. A testator directs that his widow shall occupy his homestead during her life or while she remains unmarried, and subject thereto he devises it to his eldest son in fee simple. What rights or interests do they take respectively? Explain.

7. A tenant in possession under a current unregistered lease for five years procures a second lease for four years, to commence on the day following the one on which the current lease expires. Before the second term commences a mortgage made by the lessor and registered during the currency of the first lease and before registration of the second lease becomes absolute. Who is entitled to possession at termination of first term? Why?

8. A debtor has land in two counties upon which he has given one mortgage comprising all the land. Writs of *fi. fa* against his lands are issued and placed in hands of sheriffs of both counties. Do they bind the land? Why?

9. What is meant by a doubtful title? How does the Court now proceed where the title is doubtful?

10. A woman was married on 12th May, 1877. On the day of her marriage her father conveyed to her two houses in Toronto. In 1882 she granted the property to A. without her husband (who was alive) joining. Has A. a good title?

11. A. takes possession of land, clears it and fences it in. It lies at the corners of four township lots and includes a part of each. He has a defective paper title to the land, the whole four lots being covered by the deed under which he claims. He remains in possession for 12 years, when the real owner by the paper title brings an action to recover all the property not actually fenced in by A. Can the real owner succeed? Why?

12. What authority has an auctioneer to sign contracts for the sale of land sold by him at an auction?

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