

Can B. recover back the money paid to satisfy A.'s judgment? Give reasons.

6. A merchant shipped goods by a carrier from Toronto to Liverpool, and paid the freight in advance. The goods were lost by perils of the sea. Is the merchant entitled to be paid back the freight paid by him? Reasons.

7. A. entered into a verbal contract with B.

(a) Giving B. the right to enter A.'s land and take 1,000 yards of soil.

(b) Giving B. a license to enter and use A.'s land.

(c) For the sale of building materials of a house to be taken down by B. and removed from A.'s land.

Is the contract binding on A. in any of the above cases, and why?

8. A husband and wife agreed to separate. The husband verbally agreed to pay his wife a weekly sum of \$50 for the maintenance of herself and children. Is the agreement binding on the husband? Give reasons.

9. Point out clearly what power an executor has to pay debts of a testator, barred by the Statute of Limitations.

10. What is meant by an equitable assignment of a chose in action? Illustrate your answer by an example.

11. A., residing in Toronto, gave B. a promissory note payable three months after date. Before the note became due A. left Ontario. One year after the note was given, A., unknown to B., went back to Toronto and remained there one day, when he again left Ontario, and did not return for seven years. On his return, B. sued on the note, and A. pleaded the Statute of Limitations as a defence. Who should succeed? Why?

12. (a) What was the common law rule relating to contracts in restraint of trade?

(b) What tests must now be made to determine whether a contract in restraint of trade is valid or invalid? Answer fully, and mention any recent case on the subject.

EQUITY.

Examiner: John H. Moss.

1. Can an infant successfully maintain an action for specific performance?

2. If a trustee dies, or becomes incapable of acting, in what way may a successor be appointed, and by whom?

3. If a testator, by his will, gives a power to mortgage his real estate, and names no one to execute the power, and no executors are appointed by the will, by whom may the power be exercised?

4. A. is lessee of certain premises for a term of ten years, under a lease which contains a covenant by himself to lay out \$100 a year in improvements. A. dies before the expiry of the term. What steps must his executor take in reference to the lease before distributing the estate of the deceased, in order to protect himself from personal liability thereon?

5. What is the extent of the authority of the guardian of an infant appointed or constituted under or by virtue of the Act respecting infants?

6. A. makes a promissory note in favour of B., and C. gives B. a collateral guaranty that the note will be paid. The note falls due, but is not presented for payment for several weeks thereafter, and no notice of dishonour is sent to