

EXAMINATION QUESTIONS.

4. In the event of partial failure of the purposes for which conversion is directed, what distinction is there, with regard to the character in which the object of the conversion reverts, between the case conversion directed by will, and conversion directed by instrument *inter vivos*?

5. Real estate is by a settlement vested in trustees for the sole and separate use of a married woman, free from the control of her present or any future husband, with restraint in anticipation. Her husband dies, and she and the trustees make sale of the property, after which she marries again and has children, who, after her death, seek by action to set aside the sale as being made in contravention of the restraint in anticipation. Is the action well founded? Give reasons.

6. A man dies intestate, leaving a wife, and also leaving real estate. The wife is ignorant of the law giving her a right to dower in the land, and at the solicitation of her son, who assures her that she has no interest therein, she, for a nominal consideration, joins the son in conveying to a purchaser, who is aware of all these facts. Has she any remedy? Explain.

7. A. owns certain lands, and he has a plan thereof made, upon which a portion of the land is laid out as a public park, and the remaining lands are divided into lots abutting on the park. He exhibits the plan to B., and sells him one of these lots. A. afterwards commences to build a residence upon the portion marked as park reserve, and B. brings his action to restrain the building. Who should succeed in the action, and why?

8. Give the general rule as to the liability of trustees for the acts of their co-trustees, and distinguish between such liability in cases of private trusts and trusts of a public nature respectively. Give reasons for answer.

9. A piece of land is by will directed to be sold and the proceeds divided between A. and B. Can A. elect to take his share in land? Give reason.

10. A. purchases land from B. by parol contract, in which it is agreed that A. shall not be entitled to possession until he has paid the purchase money, but without making such payment, and without B.'s assent, he takes possession and makes permanent improvements on the land. A. afterwards refuses to complete the purchase, and B. brings action for specific performance of the contract, to which A. pleads the Statute of Fraud. Who should succeed? Give reasons.

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

(Honours.)

1. Can a person ever be convicted of larceny for stealing his own goods? If so, when?

2. A. is standing on the middle of a bridge over a river. B. at one end of the bridge points a loaded gun at A., with intent to shoot him. A., knowing B. to be his deadly enemy, and believing that B. will shoot him, and having no other way of escape, jumps into the river and is drowned. Is B. guilty of any crime, and if so, what?

3. What is the difference between a constable and a private person, in regard to the right to arrest another without a warrant, on suspicion of felony?

4. In a case of bigamy, what effect will be produced on the liability of the accused to a conviction by (a) proof that the first marriage was void on account of consanguinity, or other like cause; (b) proof that the second marriage would have been void for a similar reason?

5. What is the true test to determine whether, in any particular case, an acquittal on a prior indictment is a bar to a subsequent indictment under the plea of *autrefois acquit*?

6. State whether or not the following offences committed in the night will or will not constitute *burglary*: (a) The thief gains admission through the outer door being open, and then breaks open the door of a room for the purpose of plundering. (b) The thief gains admission by raising a window already partly open, and plunders the house without breaking any inner door. (c) The thief is a servant who is lawfully in the house, but breaks the door of a room in order to steal. (d) A servant lawfully in the house, breaks open the door of a sideboard to steal the plate out of it.

7. Two persons agree to commit suicide together, one escapes, and the other dies. Is the former guilty of any offence in respect of the death of the latter, and if so, what?

8. A. is in actual possession of a lot of land to which he has no right or title. B., the lawful owner, enters upon the lot, without force, but in assertion of his title. Is either A. or B. a trespasser, and if so, which of them? Give reasons.

9. Explain briefly the doctrine of *ratification* in reference to torts.

10. Mention and explain the nature and effect of the *civil disabilities* affecting marriage.