

LAW STUDENTS' DEPARTMENT.

A.—If the dangerous condition of the premises was apparent to the party injured when he entered, the occupier will not be liable.

If the danger was not apparent, the occupier will not be liable if he was himself unaware of the unsafe state of the premises, except, perhaps, where their dangerous condition was due to his own negligence, in which case he would be liable if the party injured paid money for admission to the house, or came there on lawful business, though (perhaps) not if he entered merely as a guest without payment. If the occupier was aware of the danger, he will in general be liable if he neglected to give proper warning thereof to the party injured when the latter entered. (See Underhill on Torts, 2nd ed. 132—134, and cases cited; *Lax v. Corporation of Darlington*, 5. Ex. D. 28; *Indermaur C. L.* 2nd ed. 336, 337.)

Q.—6. What is meant by absolute as distinguished from qualified privilege in the publication of defamatory words, and in what cases has it been held to exist?

A.—The privilege is said to be absolute in those cases where the statement is privileged, even though malicious and made without reasonable or probable cause. It is qualified in those cases where the statement is privileged only if made without actual malice.

The privilege is absolute as regards statements made by a suitor, prosecutor, witness, counsel, or juror, in the course of judicial proceedings, whether civil or criminal; or by a judge, magistrate, or other person presiding in a judicial capacity in any court or other tribunal legally constituted, or by a member of either house of Parliament in the course of parliamentary proceedings. (See Underhill on Torts, 2nd ed. 94—98; *Indermaur C. L.* 2nd ed. 316, 317.)

Q.—7. What are the principal offences connected with threats and menaces, and how are they respectively punishable?

A.—Sending a letter or writing threatening to murder, or to burn or destroy property, is felony punishable with penal servitude to the extent of ten years.

Sending a letter or writing demanding with menaces, and without reasonable cause, money or other property, is felony punishable with penal servitude to the extent of life. A similar

demand made otherwise than in writing, and with intent to steal, is felony punishable with penal servitude to the extent of five years.

Sending a letter containing threats, or otherwise threatening, to accuse a person of a crime punishable with death or penal servitude for not less than seven years, or of a rape or attempt to commit a rape, or of an unnatural offence, is felony punishable with penal servitude to the extent of life.

Compelling a person by violence or threat to execute a deed, &c., is felony, punishable with penal servitude to the extent of life.

Threatening to publish, or proposing to abstain or prevent from publishing a libel, in order to extort money, is a misdemeanor punishable by imprisonment not exceeding three years (*Harri- & Tomlinson Cr. L.* 2nd ed. 106, 114).

Q.—8. Define and give an example of each of the following:—

An executory trust.

A resulting trust.

A precatory trust.

A constructive trust.

A voluntary trust.

A.—(1.) When a deed, will, or other instrument directs any property to be settled in a manner, which is indicated but not set out verbatim, such direction constitutes an executory trust.

Example.—A testator directs his executors to pay out £50,000 in the purchase of land, and to cause such land to be settled on the testator's eldest son and his issue in strict settlement, in the usual manner, with all the usual clauses.

(2.) When a settlor vests property in trustees and declares trusts of it, which do not exhaust the whole interest therein, and the events so happen that these trusts fail, then the property is held on trust for the settlor or his representatives, and this last trust is called a resulting trust.

Example.—A. vests funds in the names of trustees and directs them to pay the income thereof to B. for life, and divide the capital after B.'s death equally among all B.'s children who attain twenty one. B. dies and all his children die under twenty-one. The property is held on trust for A. or his representatives.

(3.) When a testator makes a devise or bequest, and adds precatory words expressing a wish that the devisee or legatee should confer a