

LAW STUDENTS' DEPARTMENT.

thing done by him in the execution of his office in the County Court or Division Court? Has he any, and what remedy?

A. calls upon B. and introduces C., whom he states to be an honest and reliable man and worthy of credit to the extent of a couple of hundred dollars (A. well knowing C. to be a man of no means and bad credit). B. sells C. goods, which C. never pays for. B. sues A. for the false and fraudulent representation made by him as to C.'s honesty, &c. Can B. recover? Explain fully, with reasons.

Equity Jurisprudence.

State the principal defences which may be set up to a suit for Specific Performance independently of the Statute of Frauds.

Explain the jurisdiction, (1) at Law, and (2) in Equity, respecting Interpleader.

What is "Mistake of Title," and what relief will be allowed to one making improvements on land under a mistake of title?

Describe the ordinary proceedings in a suit for the administration of the estate of an intestate or testator which may be taken before one of the local Masters in Chancery.

Define the (1) exclusive, (2) concurrent, and (3) auxiliary jurisdiction of equity.

State how far equity will enforce (1) voluntary trust raised by will, and (2) an executory trust raised by covenant or agreement.

Explain how implied trusts are often created by charges made on real estate.

State how far equity will enforce an agreement for purchase which has been entered into for the purpose of acquiring a right to complain of a fraud.

State the order of administration of different properties in the payment of debts and legacies.

Leith's Blackstone—Taylor on Titles.

Can one joint tenant, under any circumstances, compel his co-tenant to account to him, (1) for rent received from the property, (2) for exclusive possession of the property, (3) for timber cut and removed?

In what cases must a person entitled to a distributive share of an intestate's estate bring into hotchpot benefits received by him during

the lifetime of the deceased? Distinguish between realty and personalty.

What is the legal signification of the word *month*?

What do you understand by deeds of revocation of uses? Explain fully.

What becomes of land held by a corporation upon its dissolution or extinction? Explain.

Under a contract of purchase which is never completed, the vendee enters into possession. At what time will the Statute of Limitations commence to run in his favour?

What statutory provision is there by which in ejectment the plaintiff is entitled to judgment unless the defendant gives security for costs? Answer fully.

What is the distinction between the necessity for registration of a disentailing deed on the one hand, and of any other conveyance on the other?

Under what circumstances are tenants entitled to emblements?

Under what circumstances will the denial by the tenant of his landlord's title, work a forfeiture of his estate?

EXAMINATION QUESTIONS AND ANSWERS.

Q.—Give instances of justifiable and excusable homicide respectively.

A.—*Justifiable homicide.* (i.) When the proper officer executes a criminal in conformity with his legal sentence; (ii.) when an officer of justice, or one assisting him, in the legal exercise of his duty, kills a person who resists arrest and who cannot otherwise be taken, or who flies to avoid arrest for felony and is killed in the pursuit; (iii.) when a gaoler kills a prisoner to prevent his escape; (iv.) when an officer, in endeavouring to disperse the mob in a riot; (v.) when the homicide is committed in the prevention of a forcible and atrocious crime, as murder, burglary, or robbery.

Excusable homicide. (i.) When a person doing a lawful act without any intention of hurt accidentally kills another; (ii.) when, in the course of a sudden brawl or quarrel, a person, to save his own life, kills another who assaults him. (Harris and Tomlinson, Cr. L. 2nd ed. 151-154.)