

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1863.—FRIDAY, 17TH APRIL, 4 TO 6 P.M.

AGENCY.

SECOND AND THIRD YEAR.

Examiner,..... PROFESSOR E. CARTER.

1. What persons are incapable of appointing agents? What persons cannot become agents for others; and state the difference, if any, and the reason of it, relating to the incapacity to contract, and the power of acting as agent for another, notwithstanding such disability.

2. Mention the different kinds or classes of agents—describe them—and more particularly state the characteristics which in commercial agencies distinguish the one from the other.

3. State what rules prevail in determining whether the authority conferred upon the agent has been properly exercised—distinguish between cases of agency created by writings or written instructions and where none exist, as frequently occurs in commercial agencies.

4. Can a departure by the agent from his instructions be justified, and under what circumstances? explain the doctrine which obtains in that respect fully. Also state in what cases the agent could not be held responsible for a refusal on his part to comply with the request of his principal.

5. What liabilities do commercial agents incur towards their principals, and to what extent will that liability be increased if the contract between them be one known as *del credere*?

6. Under what circumstances will unauthorized acts of agents become binding upon their principals? and state the various modes in which the liability of the latter may be deemed established.

7. What will suffice to create a personal liability on the part of agents towards third parties, in relation to their dealings with them?

8. Describe the different modes in which the contract of agency may be terminated; and mention all the cases, if there be any, in which the acts of the agent would be binding notwithstanding previous revocation. Explain the rules of law which obtain in that respect, and the principles upon which they are based?