

name of some other person? If so, what steps would you take to make such other person a party?

12. If a defendant intends to rely on a plea of "not guilty by statute," how must he plead so as to be allowed to give evidence under such plea?

Third Year Honours.

1. (a) What questions may be referred under section 102 of the Judicature Act? Answer fully.

(b) When may a reference under this section be to a special referee?

2. Point out clearly the right of a judgment creditor to examine persons other than the debtor to ascertain what means the debtor has to pay the creditor's claim, the persons that may be examined, and the steps that must be taken before such person can be examined.

3. (a) When will a counterclaim against a person other than the plaintiff be allowed?

(b) Draw the formal parts of a pleading (style of course) when defendant sets up a counterclaim which raises a question between himself and the plaintiff along with some other person.

4. (a) When are the pleadings in an action deemed to be closed?

(b) If pleadings have been "noted," what is the effect of such noting?

5. A defendant maintains that a question in the action should be determined not only as between himself and the plaintiff, but as between the plaintiff defendant, and some other person.

Should such person be made a party, plaintiff, or defendant? What steps must be taken to bring them in, and what are the rights of such third person, after an application has been made to add him as a party, and after he has been added as a party?

6. A. If the High Court has no jurisdiction, how must the question of jurisdiction be raised (a) if the question of jurisdiction depends on disputed facts, (b) if the facts are not in dispute?

B. Is the entry of appearance always a submission to the jurisdiction? Answer fully.

7. (a) In what cases is a defendant entitled to an order for security for costs?

(b) If a plaintiff shows that he has personal property in the province worth \$800 will a praecipe order for security for costs be set aside?

(c) How many bondsmen are required on a bond for security for costs?

8. (a) Has a judge power to set aside his own order?

(b) If three months after an order has been made it is discovered that the order is clearly wrong, and the judge who made the order intimated on an application to him that he had no power to set it aside, but would do so if he had power, can a party affected by the order obtain any relief against it, and, if so, how? Answer fully.

9. When will relief be granted by way of interpleader?

(a) What must an applicant show before the court will direct an issue?

(b) When will the claimant be made plaintiff and when defendant in the interpleader issue?