

## LAW STUDENTS' DEPARTMENT—MARITIME COURT RULES.

## SECOND YEAR SCHOLARSHIPS.

*Williams' Real Property—The Registry Acts.*

1. What was the nature of a conditional fee? What power of alienation had the owner of such a fee?

2. What is the meaning of an "estate in fee tail?" What is its origin, and what effect had *Salturnum's case* upon it?

3. What is a base fee? How can it be converted into a fee simple? What effect will a devise of it as if an estate in fee simple have?

4. State shortly the effect of the statute *Quia emptores*.

5. What was the intention, and what the effect of the Statute of Uses?

## MARITIME COURT.

## RULES.

The following Rules have recently been promulgated for the Maritime Court of Ontario:—

In pursuance of "The Maritime Jurisdiction Act, 1877," and with the approval of the Governor in Council, I, Kenneth Mackenzie, Judge of the Maritime Court of Ontario, do make the following additional General Rules:

274. No order for advertising a notice of the cause and intended sale in a cause *in rem*, by default, shall be made unless upon the application for such order it is made to appear to the satisfaction of the Judge or Surrogate Judge as the case may be,—

(a) That no owner or mortgagee of the property proceeded against resides in Canada,—or

(b) That the whereabouts of none of the owners or mortgagees in Canada can be ascertained after reasonable efforts in that behalf,—or

(c) That the institution of the cause has come to the knowledge of the owners, or some of them, if in Canada,—or to the knowledge of the agent in Canada of the owners, or some of them,—and that the

institution of the cause has come to the knowledge of at least one of the mortgagees under each mortgage upon the property registered in Canada, or to the knowledge of his agent, if any, in Canada.

275. No order for the sale of the property proceeded against in a cause *in rem*, whether by default or otherwise, shall be made; unless upon the application for such order it is made to appear to the satisfaction of the Judge or Surrogate Judge, as the case may be,—

(a) That the institution of the cause has come to the knowledge of at least one of the mortgagees under each mortgage upon the property registered in Canada, or to the knowledge of his agent, if any, in Canada,—or

(b) That the whereabouts of none of the mortgagees in Canada can be ascertained after reasonable efforts in that behalf.

276. Two or more persons having claims against the same property for wages or for necessities may join against the same property in one petition, and unless the sum or sums adjudged to the claimant or claimants in a petition in a cause of wages or of necessities amount to the sum of one hundred dollars at least, no costs shall be allowed to the claimant or claimants, as the case may be, unless under all the circumstances the Judge or Surrogate Judge thinks proper to allow a sum in gross not exceeding ten dollars in lieu of all costs.

This rule does not authorize the joining in one petition a claim for wages and a claim for necessities.

277. No warrant to arrest a vessel shall be issued in a cause of necessities or of repairing unless the national character of the vessel proceeded against shall be stated in the affidavit, and that it shall also be stated in the affidavit that no owner or part owner is domiciled within the Province of Ontario at the time of the necessities being supplied, or at the time of the repairs being made.

Dated November, A.D. 1879.

(Signed) KENNETH MACKENZIE.