

11. Where an action has been commenced in the name of the wrong person as plaintiff, what must be shown to the court in order that the proper person may be substituted as plaintiff?

12. When and how may an application to add or strike out or substitute a plaintiff or defendant to an action be made?

13. If the contents of any document are material in a pleading, should the whole document be set out, or what should the pleading contain so far as that particular document is concerned?

14. In an action in which it is material that malice should be shown, what allegation must the pleading contain in order to disclose a good cause of action?

15. Is there any, and, if so, what penalty attached where any allegations of fact are denied or not admitted by either or any party when they ought to have been admitted?

PRIVATE INTERNATIONAL LAW—PASS

Examiner : A. W. Aytoun-Finlay.

Answer eight questions only.

1. A. purchases a foreign ship under such circumstances that he does not get a good title, independent of a *personal equity* against the vendor. What law determines whether the foreign owner is estopped disputing A.'s title?

2. Dr. A. leaves his horse and gig on the street while he visits a patient on Jarvis street, Toronto. On his return he finds horse and gig gone. Ten days later he sees them in possession of C., and at once claims them as his property. C. denies his right to them. It appears that a thief had taken the horse and gig on board a steamer for Montreal, thence to Joliette, in the Province of Quebec (in which province *suppose* the law of market overt to obtain). There they were sold to B., a farmer, an innocent purchaser, for value, who, in turn, sold them to C., residing in Toronto.

What is the legal position of A. and C. respectively, and why?

3. A. and B., Italians, visit Toronto and are there married. This marriage is declared invalid by a competent Italian court on the ground of the purpose of the parties to evade the laws of Italy. Afterwards a question of property arises, by which the validity of the marriage is put in issue before the court here. Is it or is it not valid, and why?

4. A foreign contract is brought before the court here. What is essential (a) to establish *external validity*; (b) to render it capable of enforcement?

5. Certain transactions, affecting the transfer of and title to certificates of Mexican canal shares, take place in Toronto. By what law must the title (a) to these certificates, (b) to the *shares*, to which the certificates relate, be determined?

6. It is sought to enforce (a) a contract, not illegal here, but illegal by its proper law; (b) a contract valid by its proper law, but illegal here.

May it or may it not be enforced in either case, and why?

7. An Ontario barrister, being at New York, is retained to proceed to Paris and transact certain business requiring the services of counsel. He afterwards finds a difficulty in recovering his fees and costs, and proposes to sue for them. By what law must his right to sue and recover be determined, and why?

8. A. enters action here against B. to recover damages on a contract. B.