

premises were held on a monthly tenancy, expiring on the last day of the month. The landlord, on the 31st of March, mailed a notice to quit, directed to the tenant, in these words: "You will please vacate by 30th April, 1894." The tenant did not receive the notice till the 1st of April; but it was contended on the part of the landlord that by vacating three rooms out of four, and by acquiescence in the notice, the tenant had waived the strict requirements of a valid notice to quit, and should be estopped from objecting to the same.

*Held*, that the words "by 30th April" meant "not later than," or "as early as" the 30th April, and that the notice, even if given in sufficient time, would have been bad, as requiring the tenant to leave before the expiration of his term.

*Held*, also, that as the tenancy had not been determined by a valid notice to quit, the tenant could not be estopped by his apparent acquiescence in it, or by vacating a portion of the premises, from setting up that he still had a right to remain, and it could not be said that he was holding over without colour of right.

*Cartwright v. McPherson*, 20 U.C.C.P. 251, dissented from. *Doe d. Murrell v. Millward*, 3 M. & W. 338; *Russell v. Landsberg*, 7 Q.B. 638, where the tenants had given insufficient notices to quit, and had claimed that the landlords had verbally acquiesced in the notices, and in which the court held that the tenancies were nevertheless not put an end to, followed.

Application dismissed without costs.

*Andrews* for the landlord.

*Hagel*, Q.C., for the tenant.

## Law Students' Department.

### LAW SCHOOL EXAMINATIONS.

Third Year—May, 1894.

PRIVATE INTERNATIONAL LAW.

*Examiner: W. D. Gwynne.*

1. A man and woman domiciled in France are married in England without the consent of parents, which is required by French, but not by English law. Is the marriage valid in England? Explain.
2. Explain the law applicable to the inheritance to movable and immovable property in England as regards legitimacy.
3. Can an English court entertain an action for trespass to foreign land? Give your reasons.
4. Give the general rules governing the question of the jurisdiction of the English courts to grant a divorce.
5. What is meant by an English marriage? Has a foreign court jurisdiction to dissolve such a marriage? If so, in what case?