

Prac.]

NOTES OF CANADIAN CASES—LAW STUDENTS' DEPARTMENT.

When the actions were in the Court of Appeal, BURTON, J. A., made an order that only one appeal book should be printed for the three cases, and the three cases were argued together.

Held, that the taxing officer was right in allowing separate counsel fees in each case.

Appeal dismissed with costs.

Creelman, for the plaintiffs.

Walter Barwick, for the defendant, McLean.

Richard Cassels, for the other defendants.

Mr. Dalton, Q.C.]

[April 14.]

ONTARIO BANK V. BURK.

Special endorsement—Judgment—Rules 14 and 80, O. J. A.

The following endorsement, specially endorsed on a writ of summons under Rule 14 O. J. A., was held insufficient for a motion for judgment under Rule 80 O. J. A.:

"The plaintiffs claim is \$1,702.72, for money lent by the plaintiffs to the defendant, the same being the amount due to the plaintiffs in respect of the defendant's overdrawn bank account with the plaintiffs' branch or agency office at P., and interest thereon from the 1st day of December, 1884, until judgment."

Held, that it was necessary for the defendant's information to state the date at which his account was overdrawn to the amount specified.

Walter Barwick, for the plaintiffs.

Watson, for the defendant.

LAW STUDENTS' DEPARTMENT.

EXAMINATION QUESTIONS.

SECOND INTERMEDIATE.

EQUITY.—HONORS.

1. Explain the doctrine of resulting use, and state the effect of the Statute of Uses upon that doctrine as to the vesting of the legal estate in lands.

2. A., being the absolute owner of certain lands, voluntarily executes a declaration of trust thereof

in favour of B. Does B. take any interest in the lands? Give reasons,

3. A testator devises Blackacre to A., charged with payment of \$1,000 to testator's wife, and Whiteacre to B. in trust to pay the testator's debts, which are subsequently found to amount to \$1,000. A. and B. are both strangers to the testator. Each of the properties is worth \$2,000. What beneficial interests, if any do A. and B. respectively take?

4. A mortgage contains an express provision that in the event of default being made in payment for one year, the mortgagor shall lose his right to redeem and the mortgagee's title to the land become absolute, and that time shall be deemed strictly of the essence of the contract. Default is made for a year, and the mortgagor afterwards tenders payment to the mortgagee, who refuses to accept same. The mortgagor brings an action to redeem. Can he succeed? Give reasons.

5. A married woman has obtained judgment in an action for alimony, but fears that her husband is about to dispose of his farm for the purpose of defeating her claim. What statutory provision is there enabling her to provide against this?

6. A brings an action against B. which is dismissed with costs, but without paying these costs he again brings another action against B. for the same cause. What statutory remedy has B.?

7. Land is sold under order of the Court in an action, and the proper persons to convey, although parties in the action, cannot be found. How can title be made to the purchasers?

LITTELL'S LIVING AGE.—The numbers of *The Living Age* for March 28 and April 4 contain The Poetry of Tennyson, and George Eliot, *Contemporary*; Hadrian's Address to his Soul, *National Review*; The Life of George Eliot, *Fortnightly*; Finland: a Rising Nationality, by Prince Kropotkin, *Nineteenth Century*; Clementina Sobieska, *Temple Bar*; The Trade of Ancient Egypt, *Science Monthly*; Nursing as a Fine Art, *Lancet*; Prisoners of War in England, Spinning-Wheels in New England, and The Seventh Centenary of the Temple Church, *Saturday Review*; Academic Belles-Lettres, Some Turkish Proverbs, and The Dean of Wells on the Future Life, *Spectator*; with instalments of "A House Divided Against Itself," "Plain Frances Mowbray," "Mrs. Dymond" and the conclusion of "A Millionaire's Cousin."

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