FACULTY OF LAW.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

MONDAY, MARCH 4TH:—4 TO 6; TO 7 P.M. FOR HONOURS.

CRIMINAL LAW.

THIRD YEAR.

Examiners..... { PROFESSOR CARTER, LECTURER ARCHIBALD.

1. By what law are we governed in Criminal matters in the Province of Quebec, mentioning and defining the two great branches of that law?

2. Give the general rule as to responsibility for criminal acts, stating in detail the several exceptions.

3. What is the effect of intoxication as regards responsibility for an act committed under its influence, and can the prisoner, under any circumstances, make it available as a defence.

4. State the different degrees in which a person may be indicted, arising from the part he takes either before, at, or after the commission of any crime; and point out the exact distinction between these several degrees.

5. Give a classification of crimes with a definition of each class, and give the origin and original signification of the word *felony*.

6. State what crimes with relation to the coin, are by the Act of 1869 made felonies; and what misdemeanors; and what punishments are attached.

7. Define the crime of conspiracy, and state what facts would require to be proved in order to secure a conviction.

8. Define the crimes of Murder, Manslaughter, Burglary, and Arson, giving definitions in detail.

9. Give in detail the proceedings necessary to secure the arrest and committal of a person by warrant; and state in what cases an arrest can legally be made witout a warrant.

10. Are all crimes bailable? and if not, state those wherein bail should be refused; likewise state the different modes in which the release of an accused on bail can be obtained.

11. Give the law relating to the challenge of jurors, as well to the array as to the polls, mentioning the different kinds of challenges and the extent to which they are allowed.

*12. Give an account of the early development of criminal jurisprudence.

13. State the manner and give the rules by which the common law harmonizes with the statutory law, in securing the ends of criminal jurisprudence.

14. Give the general tenor and effect of the Peel Acts copied in Canada by the Black Acts.

15. Describe the remedies of appeal and certiorari, distinguishing the difference between them, and point out in a general way the course of procedure on an appeal.

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* The first eleven questions are for the Ordinary Degree; the whole paper for Honours and Medal.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

THURSDAY, MARCH 7TH:—4 TO 6; 4 TO 7 P.M., FOR HONOURS.

EVIDENCE.

THIRD YEAR.

Examiner,.....NORMAN W. TRENHOLME, M.A., B.C.L.

1. Define evidence; what are its different kinds, and some of the leading rules governing its adduction?

2. What were the different kinds of written evidence known to Roman Law and describe each?

2. Give a short historic sketch of the principal limitations put upon parol evidence (1) in Roman Law, (2) in old French Law, (3) in English Law, pointing out the importance the French and English Law possess for us on the subject.

4. What was the law of evidence in this Province at the time of the Cession, and what are the principal changes that have taken place therein since, and by what means and when were they effected?

5. What things may be proved by parol evidence with us, what are the exceptions to the general rule and what are the grounds or reasons for them? By what law is the admissibility of parol to prove foreign contracts determined?

6. What are the exceptions to the general rule as to parol evidence in commercial matters, and whence were those exceptions derived and how and when established in our law?

7. Describe the different kinds of written evidence in our law, and how each may be disproved.

8. What are the qualifications required for witnesses to a notarial instrument?

9. Who are competent witnesses in matters of parol evidence, and what are the exceptions, and how classed?

10. Distinguish the different kinds of presumptions, and indicate the importance of some of the presumptions established by law.

11. In what different ways may a party prove his case by his opponent, and is there any, and if so, what limitation upon the power of proving admissions?

12. What are the different kinds of oaths in our law, and when, and for what purpose, may each be employed? When may a person make proof for himself?

13. What was the origin of the severe provisions of the law against carriers, hotel keepers, and the like?

The first nine questions for the Degree; the whole for Honors.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

THURSDAY, MARCH 7TH:—4 TO 6; 4 TO 7 P.M., FOR HONOURS.

EVIDENCE.

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The first nine questions for the Degree; the whole for Honours.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

MONDAY, MARCH 6TH :—4 TO 6 P.M.

CRIMINAL LAW.

THIRD YEAR.

Examiner.....PROFESSOR CARTER.

1. What offences relating to the Coin are made Felonies by the 32 and 33 Vict., ch. 18 ; and what punishment is thereby authorized ?

2. What offences are by that Act constituted misdemeanors ; and state the punishment for offences of that class ?

3. State in what instances a person, not being a Constable or Peace Officer, is authorized by the Criminal Procedure Act, 32 and 33 Vict 29, to arrest without a warrant ?

4. In what cases can a Constable or Peace Officer arrest without a warrant ?

5. What offences are excluded from the jurisdiction of the Court of General or Quarter Sessions ?

6 Mention the offences respecting which no bill of indictment can be presented to a grand jury, unless preceded by certain formalities or authorized in some particular way ; and state also, what are these preliminary requirements of the statnte, or what authority is prescribed as requisite to justify the presenting of such a bill of indictment ?

7. How are objections to an indictment to be taken advantage of ?

8. Supposing a prisoner on his arraignment stands mute of malice, what course is to be pursued ?

9. What is the present law relating to challenges of jurors by a prisoner and the Crown ; and in what respect does the statute of 1869 differ in this respect from the law in force anterior thereto ?

10. What rule does the Statute lay down as to the addresses to the Jury by Counsel for the prosecution and for the defence ?

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1870.

MONDAY, APRIL 4TH:—4 TO 6 P.M.

CRIMINAL LAW.

THIRD YEAR.

Examiner.....PROFESSOR CARTER.

SUMMARY CONVICTIONS AND ORDERS.

1. In cases of Summary Convictions and Orders, what proceedings and formalities should be observed by Justices of the Peace to enforce the attendance of the Defendant, and what formalities and rules are prescribed in relation to the hearing of the case?

2. In what instances will an appeal lie from a conviction or order, and what are the formalities to be observed in such appeals, and in what manner such appeals are to be determined?

INDICTABLE OFFENCES.

3. With reference to indictable offences, in what manner are Justices of the Peace authorized to proceed against the accused to secure hi presence to answer the charge?—and state in what manner the inquiry into the truth of the charge is to be conducted.

4. In what manner and by what process can the attendance of witnesses be secured?

5. Under what circumstances can the deposition of a witness, taken before a Justice of the Peace, be received as evidence upon the trial of the accused?

6. In what cases are Judges of the Superior Court precluded from admitting the accused to bail?

7. State generally the rule regulating the power of Justices of the Peace to admit the accused parties to bail.

CRIMINAL PROCEDURE.

8. State in what instances a constable or peace officer may arrest without a warrant, and in what instances a person, not being a constable or peace officer, is authorized so to do.

9. What offences are excluded from the jurisdiction of the court of general or quarter sessions?

10. Is any restriction imposed to laying Bills of Indictment before the Grand Jury with reference to certain offences? State what are these restrictions, and to what offences they apply.

11. State the rule relating to challenges of Jurors by the prisoner as well as by the Crown, and what is the rule respecting challenges when Jury is to be composed of English and French Jurors?

12. State the rule relating to addresses to the Jury by Counsel for the prosecution and defence.

McGILL COLLEGE, MOMTREAL.

Faculty of Law.

TUESDAY, APRIL 13TH :—4 TO 6 P.M.

CRIMINAL LAW.

THIRD YEAR.

Examiner.....PROF. CARTER.

1. Give a definition of the crime of larceny and state all the circumstances necessary to constitute the offence.

2. State the rule applicable to the fraudulent conversion of goods, where the original taking, may have been *bonâ fide* and without any fraudulent intent. Give instances in illustration of the rule.

3. What is the rule applicable to clerks and servants having the possession or care of the property of their masters.

4. Are there any objects, the taking of which does not constitute larceny. Give illustrations.

5. Define the crime of embezzlement and state all the ingredients necessary to constitute it.

6. State in what respect the crime of embezzlement differs from that of larceny; and give instances illustrating their distinctive characteristics.

7. Define the offence of obtaining property under false pretenses, and the necessary ingredients to constitute it; and in what respect it differs from a mere deceit or fraud.

8. Define the crime of robbery and its characteristics.

9. In what respect does it differ from larceny?

10. Define the crime of burglary and state all the circumstances necessary to constitute it.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1868.

TUESDAY, APRIL 14TH :—4 to 6 P.M.

CRIMINAL LAW.

THIRD YEAR.

Examiner.....PROFESSOR EDW. CARTER.

1. By what authority was the Criminal Law of England introduced into Canada?

2. Give the derivation of the word Felony.

3. How are crimes known as misdemeanors classified? Give a definition of each classification.

4. What is the meaning of the term accessory, and how many kinds of accessories are known to the law, and give a definition of each? 69

5. Do the same rules as respect accessories apply to misdemeanors as well as to felonies? Give the reasons for your opinion thereon.

6. What rules as to responsibility in criminal matters exist, in so far as they relate to infancy, insanity, drunkenness and coverture?

7. What class of offence is that known as Riot, and describe what constitutes the offence?

8. What is an Affray?

9. What constitutes the offence known as Nuisance? Give some illustrations of it.

10. What difference exists between the remedy by Appeal and by Certiorari? Describe them both.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1866.

MONDAY, APRIL 2ND:—4 P.M. TO 7 P.M.

CRIMINAL LAW.

THIRD YEAR.

Examiner,.....PROFESSOR EDW. CARTER.

1. By what Law are we governed in criminal matters? By what authority, and when was it introduced for the first time into this Province?

2. What is meant by common law? Does it form any part of our criminal jurisprudence?

3. Give the definition of a crime? Into how many classes are crimes divided?

4. In what cases are persons charged with a crime, to be considered as irresponsible? Explain fully the rules of law applicable to all such cases?

5. Explain the rules which formerly prevailed as to the right of the accused in capital cases to examine witnesses on his behalf; and state what changes in that respect were made, and by what authority?

6. When, for the first time, was the accused allowed the assistance of Counsel in his defence?

7. What remedies are by law given to a party aggrieved in cases of summary convictions by Justices? Explain them fully.

8. What powers are conferred by law upon Justices to admit persons accused of crime to bail? Explain what distinction, if any, is made with reference to exercise of these powers in felonies and misdemeanors?

9. How many persons are by law required to compose the body of Grand Jurors? How many to find a True Bill?

10. Do Grand Jurors possess the power of examining persons not named on the back of the Bill of Indictment?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1888.

Monday, April 23rd—4 p.m. to 7 p.m.

CRIMINAL LAW.

THIRD YEAR.

Examiner,.....Professor Roy, Q.A.R.C.

1. By what laws are crimes punished in criminal matters? By what authority, and when was it introduced for the first time into this Province?

2. When is mental by common law? Does it form any part of our criminal jurisprudence?

3. Give the definition of a crime? Into how many classes are crimes divided?

4. In what cases are persons charged with a crime, to be considered as irresponsible? Explain fully the rules of law applicable to all such cases?

5. Explain the rules which formerly prevailed as to the right of the accused in capital cases to examine witnesses on his behalf; and state what changes in that respect were made, and by what authority?

6. When, for the first time, was the accused allowed the assistance of Counsel in his defence?

7. What results follow by law from a party appearing in cases of treason, felony, misdemeanor by attorney? Explain them fully.

8. What powers are conferred by law upon Justices to admit persons charged of crime to bail? Explain what distinction, if any, is made in the difference to courses of the powers in felonies and misdemeanors?

9. How many persons are by law required to compose the body of Grand Jurors? How many to find a True Bill?

10. Has Grand Jury power the power of examining witnesses not named on the back of the Bill of Indictment?

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1865.

MONDAY, APRIL 10TH :—4 P.M. TO 7 P.M.

CRIMINAL LAW.

Examiner,... .....PROFESSOR EDW. CARTER.

1. What is the definition of a crime, and into how many classes are crimes divided?

2. What is considered essential to constitute an act criminal and to render the accused responsible for it?

3. Will intoxication at the time of the commission of the act, exonerate the accused? State whether evidence of this fact is admissible, and for what purpose.

4. What is the rule applicable to cases, where the act was committed by misfortune or chance?

5. Will ignorance of the law be admitted as an excuse? State the rule also where the act results from ignorance or mistake of the fact.

6. In what cases will *compulsion* relieve the accused from criminal liability, and in what cases will that defence not be admitted?

7. Do Justices of the Peace possess authority to issue a warrant in all cases for the arrest of the accused? State the distinction, if any exist, between their powers under the commission of the peace and under Statute law.

8. Has the prisoner a right to be assisted by Counsel, at the examination had before the Magistrate?

9. Have Justices the power to admit the accused to bail in all cases? State the rule on this subject.

10. Have they the power of examining witnesses for the defence?

11. How many Grand Jurors are required to find a true bill; and can they examine witnesses for the defence?

12. How many different kinds of pleas may be made to an indictment? Explain the nature of each.

13. Where several persons are jointly indicted, can they sever in their trial, and in what cases will that right, if it exists, be admitted, and upon what principle?

14. How many kinds of challenges exist? Explain them.

15. How many peremptory challenges can be made by the accused? Will the character of the crime make any difference as to the exercise of that right? Explain the rule relating thereto.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1885.

Monday, April 20th:—1 p.m. to 2 p.m.

CRIMINAL LAW.

Examiner,.....Professor Saw Cairns.

1. What is the definition of a crime, and into how many classes are crimes divided?

2. What is considered essential to constitute an act criminal and to render the accused responsible for it?

3. Will intoxication at the time of the commission of the act, excuse the accused? Show whether evidence of this fact is admissible, and for what purpose.

4. What is the rule applicable to cases, where the act was committed by solicitation or chance?

5. Will ignorance of the law be admitted as an excuse? State the rule also where the act results from ignorance or mistake of the fact.

6. In what cases will conversion relieve the accused from criminal liability, and in what cases will that defence not be admitted?

7. In cases of an Crown prosecution authority to issue a warrant is all cases for the arrest of the accused? State the distinction, if any exist, between their powers under the consolidation of the years and under Statute law.

8. Has the prisoner a right to be assisted by Counsel, at the examination had before the Magistrate?

9. Have Judges the power to admit the accused to bail in all cases? State the rule on this subject.

10. Have they the power of examining witnesses for the defence?

11. How many Grand Jurors are required to find a true bill; and can they examine witnesses for the defence?

12. How many different kinds of pleas may be made to an indictment? Explain the nature of each.

13. Where several persons are jointly indicted, can they sever in their trial; and in what cases will that right, if it exists, be adjudged, and upon what principle?

14. How many kinds of challenges exist? Explain them.

15. How many peremptory challenges can be made by the accused? Will the character of the crime make any difference as to the exercise of that right? Explain the rule relating thereto.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1864.

MONDAY, APRIL 11th:—4 PM. TO 7 P.M.

CRIMINAL LAW.

THIRD YEAR.

Examiner, ...PROFESSOR EDW. CARTER

1. What constitutes the distinction between injuries punishable as crimes, and those regarded as the subject of a civil remedy only? Explain fully the doctrine upon this subject.

2. Into how many classes were offences at Common law divided, and describe them?

3. What difference exists between the offences of Treason and Misprision of Treason—describe them?

4. Give the derivation of the word *Felony*, and mention some of the offences which, at Common Law, are included under that denomination.

5. What crimes are known by the appellation of Misdemeanors? Into how many classes are they divided, and describe them?

6. What persons are by law deemed incapable of committing any crime? State the rules applicable to each particular case.

7. Is there an exception to the application of the rule, *malitia supplet ætatem*, and in what particular case would the exception apply?

8. To what crimes would the rule of coercion arising out of the matrimonial subjection of the wife to her husband, not apply?

9. From what authority do justices of the Peace derive their criminal jurisdiction—and their civil jurisdiction?

10. Have Justices original jurisdiction to take cognizance of the crime of perjury, and to commit for trial?

11. What distinction exists between the remedies by Appeal, and by Certiorari, and state some of the rules applicable to the exercise of those remedies?

12. What changes have been introduced by our Statute law, with reference to the exercise of the remedy by Certiorari?

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, APRIL, 1864.—TUESDAY, APRIL 12TH, 4 P.M. TO 7 P.M.

CUSTOMARY LAW, AND LAW OF REAL ESTATE, &c.

FIRST YEAR.

Examiner,.....PROFESSOR LAFLAMME.

1. Quel est le droit civil qui nous régit; qu'est-ce qui le constitue?

2. Quand y a t-il lieu à l'envoi en possession, à qui est-il accordé et sous quelles conditions?

3. Quelles sont les conditions pour la validité d'un mariage en Canada?

4. Les enfans illégitimes peuvent-ils être légitimés. Comment, et dans quels cas?

5. Quel est l'effet de la tutelle. Quels sont les devoirs et obligations du tuteur.

6. Donnez les principales divisions des biens?

7. Qu'est-ce que l'usufruit, comment est-il établi et sur quels biens?

8. Quels sont les droits et obligations de l'usufruitier?

9. Quels sont les dispositions de la coutume de Paris relativement au droit de vue et au mur mitoyen?

10. Quels sont les droits du propriétaire du fonds auquel est due une servitude?

11. Comment s'éteignent les servitudes?

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

TUESDAY, MARCH 12TH:—4 TO 6 P.M., FOR DEGREE;

6 TO 7 P.M., FOR HONOURS.

MEDICAL JURISPRUDENCE.

SECOND YEAR.

Examiner,.....PROF. GONZALVE DOUTRE, B.C.L.

1. Donnez une définition de la médecine légale.

2. Citez des cas où, d'après le Code Civil, l'identité de la personne est requise et indiquez comment les principes de la médecine légale peuvent constater et établir cette identité.

3. De quel caractère doit être la blessure pour constituer une félonie? Est-ce plus sa gravité apparente que ses conséquences inévitables qui doivent caractériser la blessure pour être une félonie?

4. Quand doit être faite l'inhumation d'une personne décédée et dans quel cas est-il nécessaire d'avoir un permis du coroner pour procéder à telle inhumation?

5. Dans quel cas peut-on demander l'exhumation d'un cadavre? Y a-t-il des exceptions quant à l'époque de l'exhumation?

6. Le Code Civil sur les questions de survie, entend-il que plusieurs personnes appelées respectivement à la succession, qui périssent dans le même *évènement*, doivent aussi périr par la même *cause?* Appuyez votre réponse de motifs.

7. Qu'est-ce qui constitue le viol et indiquez la preuve requise pour le déterminer?

8. Qu'entendez-vous par *erreur dans la personne* en matière de nullité de mariage? La femme, quoiqu'épousant la personne même qu'elle voulait épouser, peut-elle se prévaloir encore de *l'erreur dans la personne?* Si oui, dites dans quels cas?

9. De quelle nature doivent être les excès ou injures graves donnant lieu à la séparation de corps?

10. La grossesse peut-elle être une cause de réconciliation en matière de séparation de corps? Appuyez votre réponse de motifs.

11. Quand la grossesse est-elle nécessaire pour constituer le crime d'avortement?

12. Lorsque pendant l'accouchement, la mère et l'enfant ont succomé lequel des deux a survécu?

N.B. The first 8 questions are for *Degree*. The whole of the questions for *Honour* Course.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

SPECIAL EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL, 1872.

TUESDAY, 19TH MARCH:—4 P.M. TO 6 P.M.

CIVIL CODE.

Examiner,.....PROFESSOR LAFLAMME.

1. Comment s'acquièrent le douaire coutumier et préfix, en quoi consistent-ils ?

2. En quel cas y a-t-il continuation de communauté et quelles sont les choses qui tombent en la continuation de communauté ?

3. Donnez les différents modes d'acceptation des successions et quand et comment on peut les répudier.

4. Quelles sont les incapacités de disposer et de recevoir par donations entre vifs d'après le Code ?

5. En quoi consistait la légitime d'après le droit antérieur au Code et quelle réclamation en résultait ?

6. Quels sont les droits des créanciers et légataires particuliers contre les héritiers et légataires à titre universel ?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

SPECIAL EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL, 1872.

TUESDAY, 19TH MARCH:—1 P.M. TO 6 P.M.

CIVIL CODE.

Examiner,.....Professor Lafleur.

1. Comment s'acquièrent le domaine continuator et prédix, en quoi consistent-ils?

2. En quel cas y a-t-il continuation de communauté et quelles sont les choses qui tombent en la continuation de communauté?

3. Donnez les différents modes d'acceptation des successions et quand et comment on peut les répudier.

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McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

TUESDAY, MARCH 5TH :—4 TO 6 P.M.; 6 TO 7 P.M., FOR HONOURS.

CIVIL CODE.

SECOND AND THIRD YEAR.

Examiner,.....PROFESSOR LAFLAMME.

1. Donnez les différentes espèces d'immeubles ou biens réputés tels d'après la loi.

2. Combien d'espèces de fruits, comment s'acquièrent-ils ?

3. Dans quels cas le possesseur est-il de bonne foi et fait-il les fruits siens ?

4. Quels sont les principes généraux en matière d'accession relativement aux choses immobilières ?

5. Quelles sont les obligations de l'usufruitier relativement aux dettes et charges de la succession ?

6. Quelles étaient les règles de la succession des propres d'après le droit antérieur au Code, et dans quels cas les ascendants succédaient-ils à leurs descendants d'après le même droit ?

7. Quelles sont les règles de successions introduites par le Code tant en ligne directe accendante qu'en ligne collatérale ?

8. Comment s'accepte et se répudie une succession ?

9. Quelles sont les formalités essentielles pour une donation entre vifs, tant ordinaire que par contrat de mariage ?

10. Quand et sous quelles conditions les donations entrevifs sont-elles révocables ?

11. Quelles sont les principales dispositions du Code relativement à la capacité de disposer et de recevoir par testament ?

12. Combien d'espèces de testament reconnues par notre droit et quelles sont les formalités essentielles exigées pour la validité de chacune d'elles ?

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

TUESDAY, MARCH 5TH:—4 TO 6 P.M.; 6 TO 7 P.M., FOR HONORS.

CIVIL CODE.

SECOND AND THIRD YEAR.

Examiner,.....PROFESSOR LAFLAMME.

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McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

TUESDAY, MARCH 5TH :—4 TO 6 P.M.;

6 TO 7 P.M., FOR HONOURS

CIVIL CODE.

FIRST YEAR.

Examiner,.....PROFESSOR LAFLAMME.

1. Quel est l'effet des lois du domicile d'un individu étranger résidant en Bas-Canada, relativement à sa personne et à ses biens, si les lois sont contraires à celles de ce pays, et quel est l'effet de nos lois sur l'habitant du pays à l'étranger dans le même cas ?

2. Donnez l'étendue des incapacités résultant de la profession religieuse quant à l'exercice des droits civils ?

3. Dans quel cas et comment peut-on suppléer à la preuve de l'état civil d'après les régistres réguliers ?

4. Quels sont les effets de l'envoi en possession, les droits et les obligations de ceux qui l'obtiennent ?

5. Quelles sont les formalités requises pour la validité d'un mariage ?

6. Donnez les causes d'excuse et de destitution de la tutelle ?

7. Quels sont les actes qu'un tuteur peut faire seuls et ceux pour lesquels il lui faut l'avis de parents et l'autorisation du juge ?

8. Quelle est l'origine des corporations en Canada, comment sont-elles créées et quelles sont leurs incapacités ?

9. Quels sont les devoirs du tuteur pendant et après la tutelle ?

10. Comment et dans quel cas le mineur est-il émancipé ?

11. Pour quelles causes les conjoints peuvent-ils obtenir la séparation de corps et de biens et quelles en sont les conséquences ?

12. Comment s'éteignent les corporations ?

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

TUESDAY, MARCH 5TH :—4 TO 6 P.M.;

6 TO 7 P.M., FOR HONOURS

CIVIL CODE.

FIRST YEAR.

Examiner,.....PROFESSOR LAFLAMME.

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McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SPECIAL EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL, 1872.

THIRD YEAR.

TUESDAY, MARCH 19TH.:—4 TO 6 P.M.

Examiner, ...PROFESSOR LAFRENAYE.

1. What are the rules particular to the lease or hire of *houses*, and how does the contract of the lease of *houses* terminate?

2. What are the provisions of our Civil Code upon the alienation of the thing leased?

3. Explain the right of action by summary proceeding of the lessor against the lessee?

4. What are the provisions of our Civil Code upon the action of dissolution of the sale, by reason of non-payment of the price?

5. State all the distinctions existing between a voluntary deposit, and a necessary deposit.

6. In what cases can the surety, even before paying, proceed against the debtor to be indemnified?

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SPECIAL EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL, 1872.

THIRD YEAR.

TUESDAY, MARCH 12TH:—4 TO 6 P.M.

Examiner, ...PROFESSOR LAFLEUR.

1. What are the rules particular to the lease or hire of labour, and how does the contract of the lease of labour terminate?

2. What are the provisions of our Civil Code upon the alienation of the thing leased?

3. Explain the right of action by summary proceeding of the lessor against the lessee?

4. What are the provisions of our Civil Code upon the action of dissolution of the sale, by reason of non-payment of the price?

5. State all the distinctions existing between a voluntary deposit and a necessary deposit.

6. In what cases can the surety, even before paying, proceed against the debtor to be indemnified?

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

WEDNESDAY, MARCH 6TH:—4 TO 6 P.M., FOR DEGREE;

6 TO 7 P.M., FOR HONOURS.

CIVIL CODE OF LOWER CANADA.

THIRD YEAR.

Examiner,.....PROFESSOR LAFRENAYE.

1. Quelles sont les conditions nécessaires pour établir la prescription acquisitive.

2. Expliquez la prescription extinctive ou libératoire?

3. Les tribunaux peuvent-ils suppléer d'office la prescription?

4. Quelles sont les causes qui interrompent la prescription?

5. En quels cas un titre nouveau peut-il être requis?

6. Quelle est la durée de la garantie des architectes et entrepreneurs?

7. En quels cas la créance est-elle absolument éteinte?

8. Qu'entendez-vous par la contrainte par corps?

9. Expliquez l'*attachment for contempt of Court* du droit anglais?

10. Qu'entendez-vous par le jugement *d'iterato* contre certains contraignables par corps?

11. Expliquez la nature de la contrainte par corps contre le gardien?

12. Quelles sont les dispositions finales du Droit Civil?

N.B.—The first 8 questions are for the Degree; the whole of the questions for Honour Course.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

WEDNESDAY, MARCH 6TH:—4 TO 6 P.M., FOR DEGREE;

6 TO 7 P.M., FOR HONOURS.

CIVIL CODE OF LOWER CANADA.

THIRD YEAR.

Examiner,.....PROFESSOR LAFRENAYE.

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7. En quels cas la créance est-elle absolument éteinte ?

8. Qu'entendez-vous par la contrainte par corps ?

9. Expliquez l'ordonnance de contrainte du Cour du droit anglais ?

10. Qu'entendez-vous par le jugement d'aveux contre certaines contraintes par corps ?

11. Expliquez la nature de la contrainte par corps contre le gardien ?

12. Quelles sont les dispositions finales du Droit Civil ?

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McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

WEDNESDAY, MARCH 6TH:—4 TO 6 P.M., FOR DEGREE;

6 TO 7 P.M. FOR HONOURS.

CIVIL CODE OF LOWER CANADA.

SECOND YEAR.

Examiner,.....PROF. LAFRENAYE.

1. Quelles sont les dispositions générales du Code sur le mandat ?

2. Quand et comment le mandataire doit-il rendre compte ?

3. Quelles sont les personnes qui peuvent être mandataires ?

4. Quelles sont les principales opérations du commerce des courtiers et des facteurs ?

5. Quelles sont les dispositions du Code sur le jeu et le pari ?

6. Quelles sont les dispositions du Code sur le gage ?

7. Quelles sont les différences entre la caution simple et la caution solidaire, et entre la caution conventionnelle, légale et judiciaire ?

8. Qu'est-ce que le bénéfice de discussion ?

9. Qu'est-ce que la transaction suivant le Code ?

10. Quelle est la différence entre le dépôt volontaire et le dépôt nécessaire ?

11. Quelle est la différence entre une rente constituée, une rente foncière et une rente viagère ?

12. Expliquez les dispositions du Code sur le prêt à intérêt ?

The first 8 questions are for the Degree; the whole of the questions are for Honour Course.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

WEDNESDAY, MARCH 6TH:—4 TO 6 P.M., FOR HONORS;

6 TO 7 P.M. FOR HONORS.

CIVIL CODE OF LOWER CANADA.

SECOND YEAR.

Examiner,.....PROF. LAFRENAYE.

1. Quelles sont les dispositions générales du Code sur le mandat ?

2. Quand et comment le mandataire doit-il rendre compte ?

3. Quelles sont les personnes qui peuvent être mandataires ?

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11. Quelle est la différence entre une route constitutée, une route fonctière et une route vicinale ?

12. Expliquez les dispositions du Code sur le prêt à intérêt ?

The first 8 questions are for the Degree; the whole of the questions are for Honour Course.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SPECIAL EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL, 1871.

APRIL 17TH :—1 TO 7 P.M.

THIRD YEAR.

Examiner ..... PROFESSOR LAFLAMME.

1. Donnez les effets de la mort civile résultant de la profession religieuse en Canada et leur durée ?

2. Quels sont les droits de l'absent qui reparait, relativement aux successions dans lesquelles il avait droit de participer et qui ont été partagées sans lui durant son absence ?

3. Quelles sont les rentes réputées immeubles d'après le Code ?

4. Dans quels cas les héritiers de l'usufruitier peuvent-ils réclamer du sur propriétaire indemnité pour les améliorations faites sur la propriété par l'usufruitier pendant l'usufruit ?

5. Sous quelles conditions l'individu pourvu d'un conseil judiciaire peut-il aliéner ses immeubles et capitaux tels que rentes ou actions de Banque ?

6. Lors de la dissolution de communauté, au profit de qui s'ouvre le droit de réclamer la reprise de l'apport ?

7. Comment se dissout la continuation de communauté et à la demande de qui ?

8. Dans quels cas et comment peut on renoncer à une succession future et quand s'éteignent ces renonciations ?

9. Quand et à quoi succèdent les ascendants, suivant le Code ?

10. Donnez les principes généraux de la succession des propres d'après le droit antérieur au Code.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1871.

TUESDAY, MARCH 7TH :—4 P.M. TO 6 P.M., 6 P.M. TO 7 P.M., FOR HONOURS.

CIVIL CODE.

SECOND AND THIRD YEARS.

Examiner,.....PROFESSOR LAFLAMME.

1. De quelles choses se compose la communauté de biens en actif et passif ?

2. Quel est l'effet des clauses de réalisation et d'ameublissement dans un contrat de mariage ?

3. Quand et comment la convention pour reprise de l'apport s'exerce t-elle, et au profit de qui ?

4. Quels sont les droits des conjoints sur les biens de la communauté pendant le mariage ?

5. Donnez les modifications introduites par la législation du Pays dans le régime de la communauté tel qu'établie par la coutume de Paris.

6. Comment s'accepte la communauté et quel est l'effet de l'acceptation ?

7. Dans quels cas le mari ou ses héritiers doivent ils récompense à la femme lors de la dissolution de la communauté ?

8. Qu'est-ce que la continuation de communauté et de quels biens se compose-t-elle ?

9. Comment se contracte le douaire de quoi se compose le douaire coutumier, pour la femme et pour les enfans ?

10. Comment la femme perd telle son douaire ?

11. Quelles sont les obligations de la douairière ?

12. Quand s'ouvre le douaire ? pour la femme et pour les enfans. Sous quelles conditions les enfans pouvent-ils réclamer le douaire ?

13. Comment la femme conserve-t-ille son douaire sur les biens de son mari ?

14. Quelles sont les exigénces de la loi pour permettre à la femme de reclaimer le douaire coutumier sur des biens aliénés par le mari ?

15. Quelles sont les réclamations que la femme et les enfans peuvent exercer pour la perte des biens sujets au douaire.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1871.

TUESDAY, MARCH 7TH:—4 TO 6 P.M., 6 TO 7 P.M., FOR HONOURS.

CIVIL CODE.

FIRST YEAR.

Examiner.....PROFESSOR LAFLAMME.

1. From what sources is our civil law derived?

2. How are our civil rights lost?

3. Enumerate the general principles of our code respecting the acts of civil status.

4. When and how are curators appointed to absentees?

5. What are the qualities and conditions necessary for contracting marriage?

6. In what cases can a marriage be annulled and what are the consequences of such annulment?

7. For what causes is separation from bed and board granted, and what are its effects?

8. Give the conditions required by the code to allow a husband to disown a child conceived during marriage?

9. Who can be tutor and who can claim exemption from tutorship?

10. What are the duties and the authority of a tutor?

11. How are corporations created in Canada?

12. What are the obligations and liabilities of members of corporations?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1871.

WEDNESDAY, MARCH 8TH :—4 P.M. TO 6 P.M., FOR DEGREE ;

9 P.M. TO 7 P.M. FOR HONOURS.

CIVIL CODE OF LOWER CANADA.

SECOND YEAR.

Examiner, ... PROF. LAFRENAYE.

1. Quelles sont les dispositions générales du code sur le mandat ?

2. Les mineurs peuvent-ils être mandataires ?

3. Dans quels cas s'établit la solidarité entre les mandataires ?

4. Quelles sont les obligations du mandant envers les tiers ?

5. Quelles sont les obligations du mandataire envers les tiers ?

6. Quand et comment le mandataire doit-il rendre compte ?

7. Quelles sont les principales opérations de commerce des courtiers et des facteurs ?

8. Quelles sont les dispositions du code sur le prêt à intérêt ?

9. Quelle est la différence entre le dépôt volontaire et le dépôt nécessaire ?

10. Quelles sont les dispositions générales du code sur les transactions ?

11. Quelles sont les dispositions du code sur le jeu et le pari ?

12. Qu'entendez-vous par le contrat de constitution de rente ?—Art. 1787.

13. Quelles sont les dispositions du code sur la nature, la division et l'étendue du cautionnement ?

14. Quelle est la différence entre la caution simple et la caution solidaire ?—Art. 1941.

15. Quelles sont les dispositions du code au sujet de la caution conventionnelle, de la caution légale et de la caution judiciaire ?—Art. 1930, 1962.

16. Dans quels cas et pour quelles causes la caution peut-elle agir contre le débiteur avant d'avoir payé ?

17. Comment s'éteint le cautionnement ?

Nº B.—The first 12 questions are for degrees the whole of the questions for Honour Course.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1871.

WEDNESDAY, MARCH 8TH.—4 P.M. to 6 P.M., FOR DEGREE;

6 P.M. TO 7 P.M., FOR HONOURS.

CIVIL CODE OF LOWER CANADA.

FIRST YEAR.

Examiner, ...PROF. LAFRENAYE.

1. Définissez le contrat de vente et expliquez comment la vente est parfaite.

2. Comment s'opère la délivrance ?

3. Qu'entendez-vous par une promesse de vente qui vaut vente ?

4. Définissez la dation en paiement.

5. Expliquez le droit de résolution d'une vente d'immeuble, faute de paiement du prix, sous l'empire des dispositions du Code ?

6. Dans quels cas, l'acheteur doit-il l'intérêt du prix ?

7. Définissez la licitation.

8. Quelles sont les dispositions de l'article 1608 du Code, au sujet de ceux qui occupent des héritages, par simple tolérance du propriétaire, sans bail ?

9. Quelle est la différence entre le louage des choses, et le louage d'ouvrage ?

10. La vente de la chose louée a-t-elle pour effet de casser le bail ? expliquez les dispositions du Code sur cette matière ?

11. Le locataire peut-il louer ou céder son bail ?

12. Enumérez les priviléges sur les biens-meubles.

13. Expliquez la constitution de l'hypothèque sur des immeubles possédés en franc et commun soccage conforme à l'article 2041 du Code.

14. Quelles sont les hypothèques légales ?

15. Pour combien d'années l'enrégistrement d'un acte de vente conserve-t-il au vendeur les intérêts au même rang que le principal ?

16. Quelles sont les formalités indiquées par les dispositions du Code (art. 2098) quant à l'enrégistrement de la transmission par succession, et du droit au douaire coutumier ? Art. 2116.

17. Quelles sont les dispositions du Code sur la constitution de l'hypothèque conventionnelle ? Art. 2040–2042–2044.

N.B.—The first 12 questions are for *degree*. The whole of the questions for *Honour* course.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1871.

THURSDAY, MARCH 9TH :—4 TO 7 P.M.

GIFTS, WILLS, SUBSTITUTIONS AND EVIDENCE.

THIRD YEAR.

Examiner,.....NORMAN W. TRENHOLME, M.A., B.C.L.

1. What were the sources of our law on gifts, wills and substitution before the Code, and to what entent did our law on these subjects fal hort of the old French law as it was prior to the Code Napoleon?

2. Point out the principal changes effected by our Code in the law of gifts *inter vivos* and the reasons therefor.

3. Define gift *inter vivos* and *will*, and point out fully the differences between them.

4. A goes before a notary and makes donation of a piece of land to B but dies before B accepts the gift. Can B accept the gift after A's death, and would the law be the same if A before the gift is accepted incurred civil death or became insane? If it had been B who died, incurred civil death or became insane before the gift was accepted, could the gift be accepted by B's children or heirs, or in his behalf, as the case might be? Give reasons fully.

5. Give an account of the different formalities essential to the validity of gifts in our law, pointing out any exceptions that occur to you.

6. Point out the principal features which distinguish gifts by contract of marriage from ordinary gifts.

7. Give an account of the different kinds of wills among us, and of the sources from which they were derived, and manner and date of their introduction into Canadian law, pointing out changes effected before the Code and by the Code.

8. Who are incapable of making a valid will by our law, and how would you classify incapacity? Answer fully with reasons.

9. How are legacies divided by our laws, and what importance attaches to this division.

10. What are substitutions; how many kinds exist in our law, and what was there in Roman Law that corresponded to the most important kind among us?

11. How may substitutions be created, and how and when may they be revoked and terminated?

12. What are the principal obligations of the institute, and what are some of the penalties he incurs by default?

13. Define evidence and its different kinds, and give some of the leading rules governing its adduction.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SPECIAL EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL, 1870.

MONDAY, APRIL 19TH :—4 TO 7 P.M.

THIRD YEAR.

Examiner.....PROFESSOR LAFLAMME.

1. Comment se règlent les droits des parties qui ont contracté un mariage nul et déclaré tel, et donnez aussi le résultat de l'annulation d'un mariage par rapport aux enfants ?

2. Comment sont réglés les droits d'un absent dont on n'a pas de nouvelles, et qui n'a pas laissé de Procureur, dans le cas de l'ouverture d'une succession dans laquelle il aurait une part ?

3. Quelles sont les obligations de l'usufruitier relativement aux cotisations pour constructions d'église et charges municipales ?

4. Pour quelles causes l'émancipation d'un mineur est-elle accordée et quels en sont les effets ?

5. Sous quelles conditions le propriétaire d'un fonds enclavé de tous côtés par d'autres propriétés a-t-il le droit de demander un passage à aucun des propriétaires qui l'avoisinent ?

6. Dans quels cas les enfants peuvent-ils réclamer le douaire ?

7. Comment la femme commune en biens s'oblige-t-elle au paiement des dettes contractées par son mari, et comment peut-elle s'en affranchir ?

8. Qu'est-ce que la séparation des patrimoines en matière de succession et comment s'obtient-elle ?

9. Quelles sont les formalités exigées aujourd'hui par la loi pour donner effet à une substitution ?

10. Quelle est l'étendue des obligations du légataire universel par rapport au paiement des dettes de la succession vis-à-vis des créanciers ?

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1870.

TUESDAY, APRIL 5TH :—4 TO 6 P.M.; 6 TO 7 P.M. FOR HONOURS.

CIVIL CODE OF LOWER CANADA.

SECOND AND THIRD YEARS.

Examiner.....PROFESSOR LAFLAMME.

1. Comment divise-t-on les servitudes?

2. Comment s'établissent et s'éteignent les servitudes?

3. Comment et sous quelles conditions peut-on acquérir la mitoyenneté d'un mur?

4. Quels sont les droits généraux de l'usufruitier sur les immeubles, les biens incorporels et les meubles?

5. Quelles sont les fautes de l'usufruitier qui peuvent entraîner sa responsabilité vis-à-vis du nû propriétaire et quels sont les droits de ce dernier relativement à ces fautes?

6. Qu'est-ce que l'emphytéose et quels sont les droits qu'il confère?

7. Quels sont les droits des riverains sur les rivières non navigables?

8. Quelles sont les personnes capables de transmettre leurs successions?

9. Quel était l'ordre de succéder d'après la loi antérieure au Code, et à quels biens succédaient les collatéraux et les ascendants en l'absence d'aucun enfant ou descendant du défunt?

10. Comment, dans quels cas, et à quels biens succèdent les ascendants et les collatéraux sous les dispositions du Code?

11. D'après quelles règles, la loi antérieure au Code transmettait-elle la succession des propres?

12. Comment s'accepte une succession?

13. Dans quels cas y a-t-il lieu au rapport et comment se fait-il?

14. A la demande de qui et comment se fait le partage d'une succession?

15. Comment se règle le paiement des dettes entre les héritiers?

16. Quel est l'effet du partage, et quelles sont les obligations qui en résulte pour les cohéritiers entre eux, et vis-à-vis des créanciers?

N. B.—The first twelve questions are for *degree*, the whole of the questions for *honour course*.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1870.

TUESDAY, APRIL 5TH :—4 TO 6 P.M. ; TO 7 P.M. FOR HONOURS.
CIVIL CODE.

FIRST YEAR.

Examiner.....PROFESSOR LAFLAMME.

1. Quelle est, d'après nos lois, la position d'un étr nger relativement à l'acquisition et à la transmission des biens ?

2. Donnez les causes de nullité d'un mariage.

3. Quels sont les droits que les parents d'un absent peuvent exercer as sujet des biens de l'absent ?

4. Quelles sont les causes qui peuvent donner lieu à la séparation de corps et quel est l'effet de cette séparation ?

5. Quels sont les devoirs du tuteur, quels sont ses pouvoirs sur l e biens du mineur ?

6. Pour quelles causes peut-on demander la destitution du tuteur ?

7. Comment établit-on l'état civil des particuliers en Canada.

8. Combien d'espèces de curatelles et quand ont elles lieu ?

9. Quels sont les droits d'une corporation, et quelles sont les obligations des membres d'une corporation ?

10. Quels sont les droits d'un absent qui revient après l'envoi définitif accordé ?

11. Sous quelles conditions les enfants nés d'un commerce illégitime peuvent-ils être légitimés ?

12. Dans quels cas le mari et ses héritiers peuvent-ils désavouer la légitimité d'un enfant ?

13. Quelles sont les fonctions du subrogé tuteur ?

N. B. The first none questions an for *degree*. The whole of the questions for *honour* cause.

McGILL UNIVERSITY MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1870.

WEDNESDAY, APRIL 6TH :—4 TO 6 P.M., FOR DEGREE ;

9 TO 7 P.M. FOR HONOURS.

CIVIL CODE OF LOWER CANADA.

SECOND YEAR.

Eznminer,.....PROF. LAFRENAYNE.

1. Définissez le contrat de mandat.

2. Les mineurs peuvent-ils être mandataires ?

3. Le mandataire peut-il substituer un autre dans l'exécution du mandat ?

4. Dans quel cas s'établit la solidarité entre les mandataires ?

5. Quelles sont les obligations du mandant envers les tiers ?

6. Quelles sont les obligations du mandataire envers les tiers ?

7. Qu'entendez-vous par Courtiers et Facteurs, et quelles sont les principales opérations de commerce dont ils se mêlent ? Art. 1735, etc.

8. Comment se termine le mandat ?

9. Quelle est la nature et quels sont les caractères du contrat de cautionnement ?

10. Quel est l'effet du cautionnement entre le créancier et la caution quant au bénéfice de discussion et de division et quant à la cession d'actions et subrogation ?

11. Quelles sont les dispositions du Code sur le prêt à intérêt ?

12. Qu'est-ce que le séquestre judiciaire, en quels cas et pour quelles causes peut-il avoir lieu ?

13. Qu'entendez-vous par le contrat de constitution de rente ? Art. 1787.

14. Quelle est la différence entre le dépôt volontaire et le dépôt nécessaire ?

15. Quelles sont les dispositions du Code sur les transactions ? Art. 1918–1926.

16. Quelles sont les dispositions du Code sur le jeu et le pari ? Art. 1927–1928.

N.B.—The first 12 questions are for *degree*. The whole of the questions for *Honour* course.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1870.

WEDNESDAY, APRIL 6TH:—4 to 6 P.M., FOR DEGREE;

6 TO 7 P.M., FOR HONOURS.

CIVIL CODE OF LOWER CANADA.

FIRST YEAR.

Examiner,.....PROF. LAFRENAYE.

1. Quelles sont les principales obligations du vendeur? Art. 1491 et seq.

2. Quelles sont les principales obligations de l'acheteur? Art. 1532 et seq.

3. Expliquez la capacité d'acheter ou de vendre.

4. Comment s'opère la délivrance?

5. Définissez la dation en paiement? Art. 1592.

6. Qu'entendez-vous par la folle enchère suivant l'article 1568?

7. Définissez la licitation? Art. 1562.

8. Quelles sont les dispositions générales du Code sur le louage des choses?

9. Quel est le droit privilégié du locateur pour le paiement de son loyer?

10. La vente de la chose louée a-t-elle pour effet de casser le bail? Expliquez les dispositions du Code sur cette matière.

11. Enumérez les priviléges sur les biens meubles? Art. 1993-1994.

12. Qu'est-ce qu'une hypothèque et quel en est son effet? Art. 2016, etc.

13. Expliquez la constitution de l'hypothèque sur des immeubles possédés en franc et commun soccage, conformément à l'article 2041 du Code?

14. Quels sont les privilégcs exemptés de la formalité de l'enrégistrement? Art. 2084.

15. Quelles sont les formalités indiquées par les dispositions du Code (art. 2098) quant à l'enrégistrement de la transmission par succession, et du droit au douaire coutumier? Art. 2116.

16. Quelles sont les hypothèques légales? Art. 2024, etc.

17. Quelles sont les dispositions du Code sur la constitution de l'hypothèque conventionnelle? Art. 2040-2042-2044.

N.B.—The first 12 questions are for *degree*. The whole of the questions for *Honour* course.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1870.

THURSDAY, APRIL 7TH :—4 TO 6 P.M., AND 4 TO 7 FOR HONOURS.

GIFTS, WILLS, SUBSTITUTIONS AND EVIDENCE.

THIRD YEAR.

Examiners.....PROF. TORRANCE & MR. TRENHOLME.

1. Define gift and will, and point out essentials and differences in each.

2. What are the principal changes that have been effected by the Code in the Law of gifts ? how would you class these changes ?

3. May a gift be made of future property, or subject to the payment of future debts, or revocable at the will of the donor ? Answer fully with reasons.

4. Give some of the most important changes effected by the Code in the Law of Wills ?

5. When must capacity to make a will, or receive under it, exist ? Answer fully with reasons.

6. In what cases do legacies lapse, and why the difference between legacies or testamentary and abintestate successions ? When does the right of accretion exist ?

7. How are wills revoked and is a revocation contained in a subsequent will, which itself is inoperative or void, effectual ? Answer fully with reasons.

8. What are the kinds of substitution in our law, and define each, pointing out any connection or differences you know of between our law and Roman Law.

9. When and where must gifts and wills containing substitutions be registered, and what are the character and object of this registration and the penalty upon the institute who neglects to have it effected ?

10. Define evidence, and give the different kinds, pointing out the character, sphere, and advantages or disadvantages of each kind.

21. Mention some of the principal legal presumptions which you know of.

12. Where do you look for our law, on gifts, wills and substitutions, as it stood before the Code?

13. What are some of the principal characteristics that distinguish gifts by contract of marriage from ordinary gifts?

14. What are the different causes of revocation of gifts, and how do different revocations differ in their effects as regards third parties who may have acquired the property of the gift ? Give reasons.

15. What is the position, and what are the principal rights, duties and obligations of the institute before the opening of the substitution, and what penalties is he exposed to in case of default ?

16. What are the sources respectively of the different branches of our law of evidence, and point out some of the principal changes that have taken place in each, since the Cession ?

N.B.—The first 12 questions for degree, and the whole for honors or standing.

McGILL COLLEGE, MONTREAL.

SPECIAL EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL, 1869.

APRIL 21ST:—4 TO 7 P.M.

Examiner, ... PROFESSOR LAFRENAYE.

1. Expliquez les dispositions du code sur la promesse de vente ?
2. Expliquez le droit de résolution d'une vente d'immeuble faute de paiement du prix ?
3. Qu'entendez-vous par la faculté de réméré et quel est son effet ?
4. Dans quels cas le locateur peut-il exercer un droit d'action pour résilier le bail ?
5. Le locataire a-t-il le droit d'enlever les améliorations qu'il a faites à la chose louée ?
6. Comment se termine le contrat de louage des choses ?
7. Expliquez les dispositions du code sur les transactions ?
8. Quelles sont les principales dispositions du code sur les rentes viagères ?
9. La dation en paiement décharge-t-elle la caution ?
10. Quelles sont les principales dispositions du code sur le gage ?

Examiner,..... PROFESSOR LAFLAMME.

1. Quels sont les effets particuliers du mariage annulé dans le cas où les époux ou l'un d'eux étaient de bonne foi ?
2. Quels sont les pouvoirs du tuteur en ce qui concerne les biens du mineur ?
3. Quel est en général l'effet des actes passés soit par le tuteur soit par le mineur, sans autorisation du conseil de famille ou du juge ?
4. Dites ce que c'est que la représentation et sous quelles conditions elle peut avoir lieu ?
5. En vertu de quel titre un bien pouvait-il acquérir la qualité de propre de succession sous le droit antérieur au code ?
6. Les choses dont nous devenons propriétaires en vertu d'un droit qui nous a été transmis à un titre que fait des propres, nous tiennent-elles nature de propres ?
7. Le rapport en matière de succession se fait-il en nature ?
8. Les héritiers de la femme peuvent-ils dans tous les cas exercer le droit de reprise d'apport ?
9. La séparation contractuelle diffère-t-elle de l'exclusion de communauté ?
10. Comment chacune des parties est-elle tenue des dettes de la continuation de communauté ?

Examiner..... PROFESSOR CARTER.

1. Into how many classes are offences at common law divided ? Give a definition of each class fully.
2. Explain what is meant by Common law; and in what manner and to what extent it forms part of the criminal law.
3. What is the difference between an Appeal, and the remedy by Certiorari ? Explain the law applicable to each, and the formalities to be observed in the prosecution of these remedies.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1869.

WEDNESDAY, APRIL 7th.—4 P.M TO 6 P.M., FOR DEGREE; 6 P.M. TO 7 P.M., FOR HONOURS.

CIVIL CODE OF LOWER CANADA.

THIRD YEAR.

Examiner,..... PROF. LAFRENAYE.

1. Expliquez la prescription acquisitive.

2. Expliquez la prescription extinctive ou libératoire.

3. Peut-on renoncer d'avance à la prescription ?

4. Les Tribunaux peuvent-ils suppléer d'office la prescription ?

5. Quelle est la possession requise pour la prescription ?

6. Enumérez les causes principales qui empêchent la prescription ?

7. Comment la prescription a-t-elle lieu contre l'Eglise ?

8. Quelles sont les causes qui interrompent la prescription ?

9. Quelles sont les causes qui suspendent le cours de la prescription ?

10. Dans quels cas la prescription de trente ans s'applique-t-elle ?

11. Dans quels cas un titre-nouvel doit-il être fourni ?

12. Comment s'acquiert la prescription par les tiers-acquéreurs ?

13. Après quel laps de temps, les architectes et les entrepreneurs sont-ils déchargés de leur garantie ?

14. Dans quels cas l'action est-elle prescrite par cinq ans ? par deux ans ? par un an ?

15. Dans quels cas de prescription la créance est absolument éteinte et nulle action ne peut être reçue ?

16. Quelle est la différence entre la contrainte par corps pour causes d'action civile, pour rébellion à justice et pour mépris de cour ?

17. Expliquez la nature, l'étendue et la durée de la contrainte par corps contre le gardien.

18. Dans quels cas et comment s'opère l'arrestation d'un débiteur pour dettes par bref de *copias ad respondendum ?*

N. B.—The first 12 questions are for the *Degree*. All the 18 questions for the *Honour* course.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1869.

THURSDAY APRIL 8TH:—4 P.M. TO 6 P.M.

AND 4 P.M. TO 7 P.M. FOR HONORS.

THIRD YEAR.

Examiners.....PROFESSORS TORRANCE AND TRENHOLME.

1. In how many ways may a person by our law dispose of his property by gratuitous title? Define each pointing out essential differences.

2. A being about to die or incur civil death hands to B. as a gift a sum of £100; is the givit valid, and on which principle is the law based in this matter?

3. In what form must all gifts and acceptances thereof be made and what exceptions to the general rule?

4. May a gift be accepted after the death either of the donor or donee? Give reasons.

5. What was insinuation of gifts; whence did it derive its origin and when was it supplanted in our law?

6. What was the *actio pauliana* and does it exist in our law?

7. Mention some of the principal features that distinguish gifts by contract of marriage from ordinary gifts *inter vivos*?

8. Mention some of the principal changes effected by the code in the law of gifts (1) as to the capacity of different persons and classes of persons to make or receive gifts; (2) as to acceptance and delivery in gifts; (3) as to the revocation of gifts; (4) as to the enumeration of moveables in gifts.

9. How many kinds of wills exist in our law and explain each?

10. May a will void as a will in the form in which in purports to be made nevertheless be valid as a will in another form?

11. Mention the principal changes effected by our code respecting wills?

12. What is the right of accrual (*jus accrescendi*) between legatees and when does it take place?

13. Mention some of the leading rules to be born in mind in the adduction of evidence.

14. Define evidence and mention its different kinds, stating how each kind may be contradicted or disproved.

15. What was the law of evidence in force in Lower Canada at the time of the Conquest and give a sketch of the more important changes that have taken place in it since that date mentioning the ordinances and statutes effecting the same.

16. What crimes render a person incompetent as a witness on account of infamy and state whether in all cases this is a perpetual infamy according to our statutes?

17. What matters may be proved by testimony of witnesses and how many witnesses are necessary to established a fact?

18. What four general rules does Pothier deduce from the Ord. of 1667 respecting the admissibility of parol evidence?

19. What was the Statute of Frauds and which of its provisions exist in our law? How and when were they introduced?

20. How are presumptions divided and define each kind?

The following questions are for honors:

21. Mention some of the consequences that follow respectively from the doctrine (1) that a gift is a contract: (2) that it is irrevocable: (3) that it must be gratuitous.

22. What is the right of separation of property (*séparation de patrimoine*) and when and by whom may it be exercised?

23. What ordinances in France regulated the law respecting gifts, wills and substitutions at the time Pothier wrote and were these ordinances ever law in Lower Canada? Give reasons.

24. Why is it important to know the law respecting gifts in force before the Code as well as under the Code?

25. From what time does the legatee acquire rights which are transmissible to his heirs?

26. How many kinds of substitutions are there in Lower Canada, and define each?

27. What is the legal presumption that arises from a marriage in Lower Canada without a written contract of marriage, and does the same presumption exist in case of persons marrying in England who afterwards remove to Lower Canada? Explain the principle on which the law proceeds in these matters.

28. What are the different kinds of oaths that may be administered to an opposite party in a suit, and explain each?

29. How is the *juramentum judiciale* divided, and when is each properly administered?

30. Mention instances in our law where a person is allowed to give testimony for himself.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1869.

TUESDAY, APRIL 6TH.

CIVIL CODE.

SECOND AND THIRD YEAR.

Examiner,.....PROFESSOR LAFLAMME.

1. Quand et par quels actes se font les conventions matrimoniales? Quelles règles particulières la loi a-t-elle établi concernant ces conventions?

2. Comment se forme la communauté de biens? de quoi se compose-t-elle? Quelles en sont les charges et dettes?

3. Quelles sont les clauses et conditions les plus ordinaires concernant la communauté conventionnelle?

4. Quels sont les droits des conjoints sur les biens de la communauté légale pendant qu'elle subsiste?

5. Comment se dissout la communauté?

6. Comment les créanciers respectifs des époux peuvent-ils exercer leurs réclamations contre eux pendant la communauté et après sa dissolution, v. g. le créancier du mari ou de la femme pour une dette antérieure au mariage, de même pour une dette contractée pendant le mariage?

7. Pour quelles causes la femme ou ses héritiers peuvent-ils réclamer indemnité contre le mari ou ses héritiers, après la dissolution de la communauté?

8. Qu'est-ce que le douaire, combien d'espèce, quelle est sa nature?

9. En quoi consiste le douaire légal est le douaire conventionnel de la femme et des enfants, quels biens y sont sujets?

10. Quand et comment se contracte l'obligation du douaire; quand est-il ouvert et comment la femme en est-elle saisie?

11. Quelles sont les charges du douaire pour la douairière et pour les enfants?

12. Comment finit le douaire et pour quelles causes une femme peut-elle être privée de son douaire?

13. Sous quelles conditions les enfants peuvent-ils réclamer leur douire?

14. Quelles aliénations faites pendant le mariage des propriétés sujettes au douaire font perdre le droit des enfants au douaire sur ces propriétés et quelles sont leurs réclamations contre les héritiers du père en pareil cas?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1869.

WEDNESDAY, APRIL 7TH.—4 P.M. TO 6 P.M., FOR DEGREE; 6 P.M. TO 7 P.M., FOR HONOURS.

CIVIL CODE OF LOWER CANADA.

FIRST YEAR.

Examiner,.....PROF. LAFRENAYE.

1. Quelles sont les dispositions générales du code sur le contrat de vente ?

2. Expliquez la capacité d'acheter ou de vendre.

3. Quelles sont les choses qui peuvent être vendues ?

4. Comment s'opère la délivrance ?

5. Expliquez la garantie.

6. Dans quels cas l'acheteur doit-il l'intérêt du prix ?

7. Comment s'opère la vente des créances et droits d'action ?

8. Quelles sont les dispositions générales du code sur le louage des choses ?

9. Quel est le droit privilégié du locateur pour le paiement de son loyer ?

10. La vente de la chose louée a-t-elle pour effet de casser le bail ? Expliquez les dispositions du code sur cette matière.

11. Quelles sont les dispositions de l'article 1608 du code au sujet de ceux qui occupent des héritages par simple tolérance du propriétaire, sans bail ?

12. Quelles sont les réparations nécessaires auxquelles est tenu le locateur ?

13. Le locataire peut-il louer ou céder son bail ?

14. Quelle est la responsabilité des voituriers par terre et par eau ?

15. Enumérez les priviléges sur les biens meubles.

16. Définissez l'hypothèque.

17. Quelles sont les dispositions du code sur l'hypothèque conventionnelle ?

N. B.—The first 12 questions are for *degree*. The whole of the questions for *Honour* course.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1868.

FRIDAY, ARRIL 17TH:—4 P.M. TO 6 P.M. FOR DEGREE.—4 P.M. TO 7 P.M. FOR HONOURS.

CIVIL CODE, ARTS. 754 TO 981.
" " ARTS. 1203 TO 1253.

THIRD YEAR.

Examiner.....PROF. TORRANCE.

1. What is a gift *inter vivos?* What is a Will?

2. What are the principal rules of the Code as to the capacity to give and to receive by gift *inter vivos?*

3. What are the principal rules of our Code as to the form of gifts and of their acceptance?

4. What are the chief rules of our Code as to the revocation of gifts, and state wherein these rules are an amendment of the previous law?

5. What are the chief rules of our Code as to the capacity to give and receive by will? Are any of these rules an innovation upon the old law?

6. What are the forms of Wills by our Code? Are any of the rules as to forms changes from the old law? If so, which?

7. What are the rules as to the bequest of a thing which does not belong to the testator.

8. State the rule as to the seizin of legatees, and give its history.

9. Has the wife of the institute any subsidiary recourse against the property of substitutions for the securing of her dower or dowry? What is the history of this question?

10. What is now the form of a notarial instrument? What was the anterior law?

11. State the exceptions to the rule that all persons are legally competent to give testimony.

12. In what cases may proof be made by testimony?

Supplementary Questions on the ROMAN LAW *for the Gold Medal.*

13. What is the difference between the tutorship and the curatorship? Why were prodigals interdicted and not fools? Was an adult forced to receive a curator? In what cases was a curator given to pupils.

14. What were the consequences of a tutor *suspectus* being removed from office? In what case was there corporal punishment?

15. What is an institution of heir? What is meant by *hæres suus*? What was the effect of omitting a *postumus*? What was the form of exheredation? Who were the *postumi velleiani?* In what did Justinian modify the rules of exheredation?

16. How was the succession of freedmen regulated by the law of the 12 Tables? What were the modifications introduced by the Prætonian law? by the *Lex Papia?* by Justinian?

17. In the interest of what persons could the *mandatum* be contracted? Did the mandate in the interest of a third party produce obligations? If the mandatory exceeded his instructions, did he bind the mandator? Was the will of the one or the other sufficient to terminate the mandatum? What if the mandatory or third persons were ignorant of the termination of the mandate?

18. Was the owner of a ferocious animal held for the damage caused by the animal? Could several penal actions be cumulated with respect to the same delict?

19. When was a party, pleading *suo nomine*, obliged to furnish security before or after Justinian? What security was to be furnished by the attorney of the plaintiff or that of the defendant? State an exemption under Justinian.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1868.

THURSDAY, APRIL 16TH :—4 P.M. TO 6 P.M.

CIVIL CODE OF LOWER CANADA.

THIRD YEAR.

Examiner.....PROF. LAFRENAYE.

1. Enumérez les priviléges qui existent sur les meubles sous l'empire des dispositions du Code? Art. 1993–94.

2. Quels sont les priviléges qui existent sur les immeubles? Art. 2009, etc.

3. Qu'est-ce qu'une hypothèque et quel est son effet? Art. 2016, etc.

4. Expliquez la constitution de l'hypothèque sur des immeubles possédés en franc et commun soccage, conformément à l'article 2041 du Code.

5. Quelles sont les hypothèques légales? Art. 2024, etc.

6. Quelles sont les dispositions du Code sur la constitution de l'hypothèque conventionnelle? Art. 2040–2042–2044.

7. Qu'est-ce que le délaissement? Art. 2079.

8. Où doit être enrégistrée la renonciation au douaire à une succession ou à une communauté de biens? Art. 2126.

9. Pour combien d'années l'enrégistrement d'un acte de vente conserve-t-il au vendeur les intérêts au même rang que le principal? Art. 2122.

10. Dans quel cas la demande formée devant un tribunal n'interrompt pas la prescription? Art. 2225, etc.

11. Qu'est-ce que la prescription trentenaire? Art. 2242, etc.

12. Quelles sont les personnes qui sont contraignables par corps? Art. 2272.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

PROFESSIONAL EXAMINATIONS, 1898.

ANNUAL LIST.—4 P.M. TO 5 P.M.

BOOKS AND CASES TAKEN EXAMINATION.

Friday ..... Feb. 4, 1898.

1. Donnez les principales divisions des biens d'après leur qualité matérielle ou légale et dans leurs rapports avec ceux qui les possèdent?

2. Qu'entend-on par propriété, en quoi diffère-t-elle de la possession?

3. Qu'entend-on par l'accession, dans quel cas a-t-elle lieu et quel en sont les conséquences légales?

4. Comment s'établit l'usufruit. Quels sont les droits de l'usufruitier?

5. Quelles sont les obligations de l'usufruitier?

6. Combien d'espèces de servitudes il y a, comment sont elles créées?

7. Dans quel cas et sous quelles conditions peut-on contraindre un propriétaire voisin à fournir un passage?

8. Comment s'opère une accession et comment est-elle définie?

9. Quelles sont les qualités requises pour prescrire?

10. Quels sont les divers ordres de successions, et quelles sont les dispositions tombant ensuite de chaque ordre de succession?

11. D'après le droit anglais en Cycle Civil, quelles étaient les dispositions de notre Droit touchant les successions ab intestat?

12. Quelles causes excluent ou excusent une succession?

13. Comment procède-t-on pour la réclamation de droits contre une succession ou pour la conservation des biens lorsqu'il ne se présente aucun héritier pour réclamer une succession?

14. Comment procède-t-on au partage des biens de la succession?

15. Comment les héritiers contribuent-ils au paiement des dettes dues par la succession et dans quelle proportion?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1868.

THURSDAY, APRIL 16TH:—4 P.M. TO 6 P.M.

CIVIL CODE OF LOWER CANADA.

SECOND YEAR.

Examiner, ... PROF. LAFRENAYE.

1. Définissez le contrat de mandat.

2. Quelles sont les dispositions générales du Code Civil sur le mandat? Art. 1701 et seq.

3. Comment le mandat se termine-t-il? Art. 1755.

4. Expliquez les dispositions du Code sur le prêt à intérêt? Art. 1785.

5. Quelle est la différence entre le dépôt volontaire et le dépôt nécessaire?

6. Quelles sont les dispositions générales du Code sur les transactions? Art. 1918-1926.

7. Quelles sont les dispositions du Code sur le jeu et le pari? Art. 1927-1928.

8. Quelles sont les dispositions du Code sur le contrat de nantissement? Art. 1966, &c.

9. Quelles sont les dispositions du Code au sujet de la caution conventionnelle, de la caution légale, et de la caution judiciaire? Art. 1930, 1962.

10. Qu'est-ce que le bénéfice de discussion? Art. 1943, &c.

11. Quelle est la différence entre la caution simple et la caution solidaire? Art. 1941.

12. Quelles est la différence entre les fonctions du courtier et celles du facteur. Art. 1735, 1736.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1868.

THURSDAY, APRIL 16TH:—4 TO 6 P.M.

CIVIL CODE OF LOWER CANADA.

FIRST YEAR.

Examiner.....PROFESSOR LAFRENAYE.

1. Quelles sont les principales obligations du vendeur? Art. 1491 et seq.

2. Quelles sont les principales obligations de l'acheteur? Art. 1532 et seq.

3. Quelles sont les dispositions des articles 1582, 1583, et 1584 du Code Civil sur la vente des droits litigieux?

4. Définissez la Dation en paiement? Art. 1592.

5. Qu'entendez-vous par la folle enchère suivant l'article 1568?

6. Qu'entendez-vous par la faculté de réméré, et quel en est son effet? Art. 1546.

7. Définissez la licitation? Art. 1562.

8. Quelles sont les dispositions de l'article 1608 du Code au sujet de ceux qui occupent des héritages par simple tolérance du propriétaire, sans bail?

9. Quelle est l'étendue du droit privilégié du locateur sur les effets, mobiliers qui se trouvent sur la propriété louée? Art. 1619 et seq.

10. Quelles sont les réparations nécessaires auxquelles est tenu le locateur? Art. 1613.

11. Quelle est la responsabilité des voituriers par terre et par eau? Art. 1672 et seq.

12. Quelle est la responsabilité de l'ouvrier qui fournit la matière et se charge de faire tout l'ouvrage? Art. 1684.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1868.

APRIL 15TH:—4 P.M. TO 6 P.M.

FIRST YEAR STUDENTS.

Examiner.....PROF. LAFLAMME.

1. La qualité de sujet britannique confère-t-elle des droits particuliers, et comment peut-on l'acquérir?

2. Dans quels cas la mort civile a-t-elle lieu, et quels en sont les effets?

3. Quelles sont les principales dispositions sur les actes de l'état civil. Peut-on y suppléer et les rectifier, dans quels cas et comment?

4. Qu'est-ce que le domicile, comment s'établit-il?

5. Sous quelles conditions peut-on obtenir la déclaration d'absence et quelles sont les formalités à observer pour qu'elle ait lieu.

6. Quand a lieu l'envoi en possession, comment peut-on l'obtenir et comment se termine-t-il?

7. Quelles sont les conditions et qualités requises pour contracter un mariage valide?

8. Pour quelles causes les époux peuvent-ils obtenir la séparation de corps, et quels en sont les effets?

9. Dans quel cas le mari peut-il désavouer la paternité de l'enfant né ou conçu pendant le mariage?

10. Quels sont ceux qui ont droit à la tutelle et quelles sont les causes qui dispensent d'accepter la tutelle, celles qui rendent incapable de l'exercer, et celles qui doivent faire destituer le tuteur en exercice?

11. En quoi consiste l'administration du tuteur, quelles sont ses obligations?

12. Comment et quand a lieu l'émancipation?

13. Qu'est-ce que la curatelle et quand a-t-elle lieu?

14. Comment sont constituées les Corporations et quels en sont les principaux caractères?

15. Quels sont les droits et priviléges des Corporations?

16. Comment s'éteignent les Corporations?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1895.

ANNUAL LECTURES—LAW, 1st & 2nd.

FIRST YEAR STUDENTS.

Examiner ..... Prof. LAFLAMME.

1. La qualité de cuisinier transmetque-t-elle des droits particuliers, comment peut-on l'acquérir ?

2. Dans quels cas la mort civile est-elle bien et où peut les effets ?

3. Quelles sont les principales dispositions que les notes de l'état civil, [illegible] y supplées et les rectifier, dans quels cas et comment ?

4. Qu'est-ce que la domicile, comment s'établit-il ?

5. Dans quelles conditions peut-on obtenir la déclaration d'absence et quels sont les formalités à observer pour qu'elle soit bien.

6. Quand a lieu l'acquisition, comment peut-on l'acquérir et comment se transmet-il ?

7. Quelles sont les conditions et qualités requises pour contracter un mariage valide ?

8. Pour quelles causes les époux peuvent-ils obtenir la séparation de corps, et quels en sont les effets ?

9. Dans quel cas la mort peut-il détermine la nécessité de l'enfant ne [illegible] pendant le mariage ?

10. Quels sont ceux qui ont droit à la tutelle et quelles sont les causes [illegible] de [illegible] la tutelle, quel [illegible] la tutelle, et celles qui dispensé [illegible] la tutrice en exercice ?

11. En quel cas les [illegible] du tuteur, quelles sont ses [illegible] ?

12. Comment et quand a lieu l'émancipation ?

13. Qu'est-ce que la curatelle et quand a-t-elle lieu ?

14. Comment sont constituées les Corporations et quels en sont les [illegible] ?

15. Quels sont les droits et pouvoirs des Corporations ?

16. Comment s'éteignent les Corporations ?

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1866.

WEDNESDAY, APRIL 4TH:—4 TO 6 P.M.

THIRD YEAR.

Examiner,.....PROF. LAFRENAYE, B.C.L.

1. Quel est le louage des choses et en quoi ce contrat diffère-t-il des contrats de vente et de mandat?

2. Quelle est la différence entre le contrat de louage et l'emphytéose?

3. Quelles sont les obligations du bailleur?

4. Quelles sont les obligations du preneur?

5. Quelle est la nature et quels sont les caractères du contrat de cautionnement?

6. Quel est l'effet du cautionnement entre le créancier et la caution quant au bénéfice de discussion et de division et quant à la cession d'actions et subrogation?

7. Quels sont les effets du contrat de cautionnement entre le débiteur et la caution?

8. Comment s'éteint le cautionnement?

9. Quelles sont les principales dispositions du contrat de dépôt?

10. Quelles sont les obligations du gardien?

11. Quelles sont les diverses lois et ordonnances qui ont introduit et modifié la contrainte par corps?

12. Quelle est la différence entre la contrainte par corps et le *contempt of court* dans le droit anglais?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1866.

TUESDAY, APRIL 3RD:—4 TO 6 P.M.

CUSTOMARY LAW.

SECOND AND THIRD YEAR STUDENTS.

Examiner,.....PROF. LAFLAMME.

1. Comment s'ouvre une succession, et comment se transmet-elle?

2. Quelles sont les règles suivies pour déterminer la transmission des biens dans le cas où plusieurs personnes respectivement appelées à la succession l'une de l'autre périssent ensemble?

3. Comment la loi qui nous régit actuellement défère-t-elle la succession; 1. par rapport aux descendants; 2. par rapport aux ascendants; 3. par rapport aux collatéraux?

4. Donnez les changements introduits par le projet du Code dans la transmission des biens par succession?

5. Comment et par quel acte peut-on accepter ou répudier une succession, et quel est l'effet de l'acceptation?

6. Qui peut demander le partage des biens communs et quels sont les procédés pour y arriver?

7. Dans quel cas y a-t-il lieu à rapport en matière de succession?

8. Comment se répartissent les dettes entre les divers héritiers et légataires?

9. Quelles sont les modifications apportées par le projet du Code aux anciennes lois Françaises en matière de Donations entre-vifs?

10. Combien d'espèces de Testament? et donnez les formalités essentielles requises pour la validité de chacune.

11. Qu'est-ce que la séparation des Patrimoines; quand et pour quel objet est-il demandé?

12. Par quels actes peut s'établir une substitution?

13. La prohibition d'aliéner constitue-t-elle une substitution?

14. Quels sont les droits respectifs du grevé et de l'appelé pendant l'existence de la substitution, et avant l'ouverture?

15. Jusqu'à quelle limite peut-on substituer?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1866.

TUESDAY, APRIL 3RD.—4 TO 6 P.M.

CRIMINAL LAW.

SECOND AND THIRD YEAR STUDENTS.

Examiner,.....Prof. LAFLAMME.

1. Comment s'ouvre une succession, et comment se transmet-elle?

2. Quelles sont les règles suivies pour déterminer la transmission des biens dans le cas où plusieurs personnes respectivement appelées à la succession meurent de manière présumée simultanée?

3. Comment la loi qui nous régit actuellement différe-t-elle la succession; 1. par rapport aux descendants; 2. par rapport aux ascendants; 3. par rapport aux collatéraux?

4. Donnez les dispositions introduites par le projet de Code dans la succession des biens par souches?

5. Comment et par quel acte peut-on accepter ou répudier une succession, et quel est l'effet de l'acceptation?

6. Qui peut demander le partage des biens communs et quels sont les délais pour y arriver?

7. Dans quel cas y a-t-il lieu à rapport en matière de succession?

8. Comment se répartissent les dettes entre les divers héritiers et légataires?

9. Quelles sont les modifications apportées par le projet de Code aux dispositions de l'ancienne en matière de donations entre-vifs?

10. Condition d'exposées de Testament; et donnez les formalités essentielles requises pour la validité de chacune.

11. Quand-ce que la séparation des Patrimoines; quand et pour quel cas est-il demandé?

12. Par quels actes peut s'établir une substitution?

13. La prohibition d'aliéner constitue-t-elle une substitution?

14. Quels sont les droits respectifs du grevé et de l'appelé pendant l'existence de la substitution, et avant l'ouverture?

15. Jusqu'à quelle limite peut-on substituer?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMIMATIONS, 1866.

TUESDAY, APRIL 3RD:—4 TO 6 P.M.

CUSTOMARY LAW.

FIRST YEAR.

Examiner,.....PROF. LAFLAMME.

1. Comment prouve-t-on l'état civil des personnes?

2. Quelles sont les incapacités résultant de la qualité d'étranger non naturalisé?

3. Qu'entend-on par mort civile, et pour quelles causes est-elle encourrue?

4. Qu'est-ce que l'envoi en possession des biens d'un absent; quand, comment et à quelles conditions est-il accordé?

5. Quelles sont les conditions essentielles pour la validité d'un mariage?

6. Qui peut interdir l'action en nullité du mariage, et pour quelles causes?

7. Quelles sont les causes qui donnent lieu à la séparation de corps; comment s'obtient-elle?

8. Quelles en sont les conséquences par rapport aux deux parties?

9. Dans quel cas le mari est-il autorisé à désavouer un enfant?

10. Qu'est-ce que la tutelle, par qui et comment est-elle déférée?

11. Quels sont les actes que le Tuteur peut faire seul, ceux qui lui sont interdits, et ceux qu'il peut faire avec l'autorisation du Juge?

12. Quelles sont les obligations du Tuteur?

13. Qu'est-ce que la Curatelle; dans quel cas est-elle établie?

14. Donnez les divisions principales de biens d'après la loi, et les modifications apportées par le Code dans la classification de certains biens?

15. Quelle est la différence entre l'usufruit et l'usage?

16. Quelles sont les obligations de l'usufruitier?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1895.

TUESDAY, APRIL 30th—1 to 5 P.M.

CIVIL CODE.

FIRST YEAR.

Examiner.....Prof. LAMMAN.

1. Comment prouve-t-on l'état civil des personnes?

2. Quelles sont les énonciations constituant de la qualité d'étranger non naturalisé?

3. Qu'entend-on par sort civil, et pour quelles causes est-elle encourue?

4. Qu'est-ce que l'envoi en possession des biens d'un absent; quand, comment et à quelles conditions est-il accordé?

5. Quelles sont les conditions essentielles pour la validité d'un mariage?

6. Qui peut intercéder l'action en nullité du mariage, et pour quelles causes?

7. Quelles sont les causes qui donnent lieu à la séparation de corps; comment s'obtient-elle?

8. Quelles en sont les conséquences par rapport aux deux parties?

9. Dans quel cas le mari est-il autorisé à désavouer un enfant?

10. Qu'est-ce que la tutelle, par qui et comment est-elle déférée?

11. Quels sont les actes que le Tuteur peut faire seul, ceux qui lui sont interdits, et ceux qu'il peut faire avec l'autorisation du Juge?

12. Quelles sont les obligations du Tuteur?

13. Qu'est-ce que la Curatelle; dans quel cas est-elle établie?

14. Donnez les divisions principales du bien d'après la loi, et les modifications apportées par le Code dans la classification des certains biens?

15. Quelle est la différence entre l'usufruit et l'usage?

16. Quelles sont les obligations de l'usufruitier?

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1865.

TUESDAY, APRIL 11TH :—4 TO 7 P.M.

LAW FACULTY—CUSTOMARY LAW.

SECOND AND THIRD YEAR STUDENTS.

Examiner, ...PROFESSOR LAFLAMME.

1. Comment s'établit la communauté de biens et de quoi se compose-t-elle ?

2. Quelles sont les charges de la communauté ?

3. Comment se réglent les réclamations des conjoints après la dissolution de la communauté, à raison des améliorations faites sur les propres respectifs des conjoints et pour le paiement des dettes propres à chanuc d'eux ?

4. Comment se dissout la communauté de biens ?

5. Comment s'établit la continuation de communauté ; de quoi se compose-t-elle ?

6. Combien d'espèces de douaires ?

7. Quels sont les biens du mari qui sont sujets au douaire coutumier ; en quoi consiste-t-il ; d'abord pour la femme, puis pour les enfants ?

8. Quand le douaire est-il ouvert ; comment la femme en est-elle saisie ; quand et comment les enfants peuvent-t-ils réclamer le douaire ?

9. A quelles charges la femme est-elle tenue en acceptant le douaire coutumier ?

10. Quelles sont les actions auxquelles donne lieu l'ouverture du douaire ?

11. La femme douairiaire a-t-elle droit de prendre le bien sujet au douaire, tel qu'il est, sans égard aux améliorations que le mari a pu y faire ; et comment ces réclamations sont-elles réglées ?

12. Quels sont les priviléges reconnus par la loi sur les biens ?

13. Quels sont les priviléges sur les immeubles, et quelles sont les conditions pour leur exercice ?

14. Combien d'espèces d'hypothèques ?

15. Quelles sont les principales dispositions de la loi d'enrégistrement au sujet des hypothèques ?

16. Quelles sont aujourd'hui les principales dispositions relativement aux hypothèques légales et tacites ?

17. Quelles sont les exceptions qu'on peut opposer à l'action hypothécaire ?

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1865.

TUESDAY, APRIL 11th :—4 TO 7 P.M.

CUSTOMARY LAW AND LAW OF REAL ESTATE.

FIRST YEAR.

Examiner, ... PROFESSOR LAFLAMME.

1. Quelles sont, dans notre droit actuel, les incapacités qui résultent de la qualité d'étranger non naturalisé ?

2. Quelles sont les causes de la mort civile en Canada ?

3. Comment établit-on l'état civil des personnes relativement à la naissance, au mariage, ou au décès ?

4. Sous quelles conditions et suivant quels procédés les parents de l'absent peuvent-ils réclamer ses biens ?

5. Quelles sont les obligations du tuteur ; quelle est l'étendue de son autorité relativement à la personne et aux biens du mineur ?

6. Comment finit la tutelle ?

7. Pour quelles raisons peut-on s'excuser de la tutelle, et pour quelles causes peut-on obtenir la destitution d'un tuteur ?

8. Quelles sont les qualités et conditions voulues par la loi pour contracter un mariage ?

9. Qu'est-ce que la séparation de corps, quand a-t-elle lieu et quels en sont les effets ?

10. Donnez les principales divisions des biens d'après la loi et ce qu'elles comprennent.

11. Quelles sont les obligations de l'usufruitier ?

12. Quelle est la différence entre l'usage et l'usufruit ?

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1894.

TERMS, APRIL 11th—14 to YEAR

CONDITIONAL LAW AND LAW OF REAL ESTATE

FIRST YEAR.

Examiner.....Professor Lafleur.

1. Quelles sont, dans notre droit actuel, les conséquences qui résultent de la qualité d'étranger des naturalisés?

2. Quelles sont les causes de la mort civile en Canada?

3. Comment établit-on l'état civil des personnes relativement à la naissance, au mariage, ou au décès?

4. Sous quelles conditions et suivant quels procédés les parents ils l'absence peuvent-ils réclamer son timbre?

5. Quelles sont les obligations de tutelle, quelles est l'étendue de son autorité relativement à la personne et aux biens du mineur?

6. Comment finit la tutelle?

7. Sous quelles raisons peut-on s'excuser de la tutelle, et pour quelles causes peut-on obtenir la destitution d'un tuteur?

8. Quelles sont les qualités et conditions requises par la loi pour contracter un mariage?

9. Qu'est-ce que la séparation de corps, quand a-t-elle lieu et quels en sont les effets?

10. Donnez les principales divisions des biens d'après la loi et ce qu'elles comprennent.

11. Quelles sont les obligations de l'usufruitier?

12. Quelle est la différence entre l'usage et l'usufruit?

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS.

WEDNESDAY, APRIL 12TH:—4 TO 7 P.M.

LOUAGE, CAUTIONNEMENT.

THIRD YEAR.

Examiner,..... PROFESSOR LAFRENAYE.

1. Définissez le contrat de louage des choses.

2. Comment s'exerce le droit de suite du conducteur d'après l'ancien droit et les modifications apportées par les lois Statutaires ?

3. Le bail se résout-il par la vente de la chose louée ?

4. Quelles sont les fins de non-recevoir que le locataire peut opposer aux arrérages de loyer ?

5. Le loyer est-il prescriptible ? par quelle loi et sous quelles circonstances ?

6. En quels cas l'action en expulsion peut-elle être exercée ?

7. Quels sont les principes du contrat de louage applicables aux serviteurs, employés et autres engagés ?

8. Quelles sont les formalités nécessaires pour mettre le bailleur en mesure de faire rétablir, par le locataire, les lieux loués, en aussi bon état qu'il les a reçus.

9. Expliquez la nature et l'étendue du contrat de cautionnement.

10. Rapportez les différentes causes de son extinction.

11. Sous l'empire de quelles lois et en quelles circonstances la contrainte par corps peut-elle être exercée ?

12. Qu'entendez-vous par l'*Attachment for contempt of Court*, et quelle est la procédure à suivre en un tel cas ?

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS.

Wednesday, June 15th—4 to 7 p.m.

LOGIC AND METAPHYSICS

THIRD YEAR.

Examiner ..... Professor Lighthall.

1. Définissez le contrat de louage des choses.

2. Comment s'exerce le droit de suite de vendeur d'après l'ancien droit et les modifications apportées par les lois statutaires?

3. Les biens se réservent-ils par la vente de la chose jugée?

4. Quelles sont les fins de non-recevoir que la locataire peut opposer aux arrérages de loyer?

5. Les loyer est-il prescriptible? par quelle loi et sous quelles circonstances?

6. En quels cas l'action en expulsion peut-elle être exercée?

7. Quels sont les principes du contrat de louage appliqués aux serviteurs, employés et autres engagés?

8. Quelles sont les formalités nécessaires pour mettre la faillite en mesure de faire réussir par le locataire, les biens loués, en avant lui dès qu'il les a repris.

9. Expliquez la nature et l'étendue du contrat de cautionnement.

10. Rapportez les différentes causes de son extinction.

11. Sous l'empire de quelles lois et en quelles circonstances le contrat par corps peut-elle être exercée?

12. Qu'entendez-vous par l'Affermement du domaine de l'État, et quelle est la procédure à suivre en un tel cas?

Second and Third Year Students.

1. Quelles sont les personnes qui ont droit de transmettre et quelles sont celles capables de receuillir une succession?

2. Quel est l'ordre suivant lequel elles se déférent?

3. Comment s'ouvre une succession?

4. Comment sont réparties les charges et dettes d'une succession,—et quel effet peut produire l'ouverture d'une succession vis-à-vis des créanciers du défunt?

5. Combien de substitutions reconnues dans notre droit. Et quelles en sont les formalités essentielles?

6. Comment se fait une substitution et quel est l'effet d'une substitution vis-à-vis du grevé et vis-à-vis des substitués avant l'ouverture?

7. Combien d'espèces de testaments reconnues par notre droit et quelles sont leurs formalités essentielles.

8. Quelles sont les formalités essentielles pour la validité d'une donation entre vifs?

9. Comment et pour quelles causes peut-on révoquer une donation entre vifs?

McGILL COLLEGE, MONTREAL.

SESSIONAL EXMINATIONS, 1864.

WEDNESDAY, APRIL 13th:—4 P.M. TO 6 P.M.

COUTUMES, ORDONNANCES, &c.

FIRST YEAR.

Examiner,.....PROFESSOR LAFRENAYE.

1. Quelles sont les principales sources du droit français?

2. Par quelle coutume sommes nous régis et de quel Parlement suivons nous la jurisprudence?

3. Qu'entendez vous par meubles, immeubles, acquêts et propres?

4. Quelles sont les différentes prescriptions établies par la coutume de Paris?

5. De quelle manière peut s'acquérir une servitude?

6. De quels biens se compose la communauté?

7. Quelle est l'étendue des droits que la femme séparée de biens peut exercer?

8. Quels sont les testaments reconnus par l'article 289 du titre 14 de la coutume, et quelle est la loi statutaire qui règle la manière de tester

9. Quelles sont les principales formalités requises par la coutume pour la validité d'une donation?

10. Quelles sont les principales règles des successions suivant le titre 15 de la coutume.

11. Dans quels cas les ordonnances des Rois de France avaient elles force de lois?

12. Comment s'est introduit le droit Romain comme autorité dans le droit français?

Faculty of Law.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1862.

THURSDAY, APRIL 24TH, 4 P.M. TO 6 P.M.

DROIT CIVIL ET COUTUMIER.

SECOND AND THIRD YEAR.

Examiner,.....PROFESSOR LAFLAMME.

1. Quest-ce que la succession ?

2. Quelles sont les personnes capables de transmettre leur succession ?

3. Quel est l'ordre de succéder d'après la coutume de Paris ?

4. La représentation est elle admise dans la coutume de Paris, et dans quels cas ?

5. Quand la succession d'un défunt est elle déférée à ses père, mère, ou autres ascendans ?

6. Comment se transmet la succession des propres, et quelles sont les règles de notre droit relativement à cette espèce de biens ?

7. Comment s'accepte une succession ?

8. Quels sont les effets du partage ?

9. Donnez la définition des différentes espèces de testament d'après nos lois, et les conditions voulues pour leur validité.

10. Quels sont les devoirs de l'exécuteur testamentaire ?

11. Enumérez les différentes formalités exigées pour la validité d'un acte de donation.

12. Combien d'espèces de substitutions et quelles choses peuvent être l'objet des substitutions ?

EXAMINATION PAPERS.

McGILL COLLEGE, MONTREAL.

SUPPLEMENTAL EXAMINATIONS, 1890.

TUESDAY, 23RD SEPT., 4 P.M. TO 6 P.M.

DROIT CIVIL ET CONTRAT DE MARIAGE

ANNÉE ANS ANNÉE ANNÉE

Traduire ..... Pour la Jurisprudence.

1. Qu'est-ce que la succession ?

2. Quelles sont les personnes capables de succéder ab intestat ?

3. Quel est l'ordre de succéder d'après le coutume de Paris ?

4. La représentation est-elle admise dans la coutume de Paris, et dans quel cas ?

5. Quand la succession dite défunt est-elle réputée [illegible] ?

6. Comment se trouvent la succession des mineurs et quelles sont les règles de notre droit relativement à cette espèce de biens ?

7. Comment s'accepte une succession ?

8. Quels sont les effets de l'acceptation ?

9. Donnez la définition des différentes espèces de testament d'après nos lois, et les conditions requises pour leur validité.

10. Quels sont les devoirs de l'exécuteur testamentaire ?

11. Énumérez les différentes formalités exigées pour la validité d'un acte de donation.

12. Quelles différences de réalisations et quelles choses peuvent être faites par des actes [illegible] ?

Faculty of Law.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1862.

THURSDAY, APRIL 24TH, 4 P.M. TO 6 P.M.

DROIT CIVIL ET COUTUMIER.

FIRST YEAR.

Examiner,..... PROFESSOR LAFLAMME.

1. Donnez les différentes divisions et définitions du droit et de la loi?

2. Quelle est d'après nos lois la position d'un aubain relativement à l'acquisition et à la transmission des biens?

3. Quel est l'effet de l'absence, et comment se règlent les droits d'un absent?

4. Combien y a-t-il d'espèces d'empêchements au mariage?

5. Comment se prouve le mariage?

6. Dans quelles circonstances les enfans nés d'un commerce illégitime peuvent-ils être légitimés?

7. Le mariage peut-il être cassé, et pour quelles causes?

8. Quelles sont les causes qui peuvent donner lieu à la séparation du corps, et quels en sont les effets?

9. Quel est l'effet de la puissance paternelle en Canada?

10. Combien d'espèces de tutelle en vertu de nos lois? Quand a t-elle lieu? comment est-elle établie?

11. Quelles sont les personnes capables d'exercer la tutelle? peut-on s'en exempter, et énumérez les causes d'excuse?

12. Quels sont les devoirs du tuteur?

13. Comment divise t-on les servitudes?

14. Comment s'établissent et s'éteignent les servitudes?

15. Quelles sont les principales dispositions de la coutume de Paris concernant les murs mitoyens?

16. Quelles sont les obligations de l'usufruitier?

Faculty of Law.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1893.

TUESDAY, APRIL 4TH, 2 P.M. TO 5 P.M.

DROIT CIVIL ET CONSTITUTION.

FIRST YEAR.

Examinateur.....Professeur LAFLEUR.

1. Comment les différentes divisions et définitions du droit ont-elle été faites ?

2. Quelle est d'après nos lois la position d'un enfant relativement à la filiation et à la transmission des biens ?

3. Quel est l'effet de l'absence, et comment se règlent les droits d'un absent ?

4. Combien y a-t-il d'espèces d'emprisonnements en mariage ?

5. Comment se prouve le mariage ?

6. Dans quelles circonstances les enfants nés d'un commerce illégitime peuvent-ils être légitimés ?

7. Le mariage peut-il être cassé, et pour quelles causes ?

8. Quelles sont les causes qui peuvent donner lieu à la séparation de corps, et quels en sont les effets ?

9. Quel est l'âge de la majorité en Canada ?

10. Combien d'espèces de tutelle en vertu de nos lois ? Quand a-t-elle lieu ? comment est-elle établie ?

11. Quelles sont les personnes capables d'exercer la tutelle ? peut-on nommer un tuteur, et énumérer les causes d'excuse ?

12. Quels sont les devoirs du tuteur ?

13. Comment divise-t-on les servitudes ?

14. Comment s'établissent et s'éteignent les servitudes ?

15. Quelles sont les principales dispositions de la coutume de Paris concernant les eaux courantes ?

16. Quelles sont les obligations de l'usufruitier ?

UNIVERSITY

OF

McGILL COLLEGE,

MONTREAL.

SESSIONAL EXAMINATIONS, APRIL, 1861.

THURSDAY, APRIL 18th.—4 P.M. TO 6 P.M.

BAUX, &c.

THIRD YEAR.

Examiner.....PROFESSOR LAFRENAYE.

1. Définissez le contrat de louage.

2. Définissez le droit de gage qu'ont les locateurs sur les fruits et sur les meubles de leurs locataires.

3. Quelles sont les causes de la résolution des baux, tant par le droit commun que par nos lois statutaires ?

4. Le statut de 1855, concernant les locateurs et locataires, a-t-il apporté aucunes et quelles modifications au droit commun sur le contrat de louage ?

5. Qu'entendez-vous par la tacite reconduction, et quel en est son effet ?

6. Qu'est-ce que le contrat de dépôt ?

7. Combien y a-t-il d'espèces de dépôts, et quelles sont les règles particulières applicables à chaque espèce ?

8. Qu'est-ce que le sequestre ?

9. Définissez le contrat de cautionnement.

10. Quelle est la différence entre la caution simple et la caution solidaire ?

11. Comment s'éteint le cautionnement ?

12. Qu'entendez-vous par les causes personnelles et réelles de l'extinction du contrat de cautionnement ?

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

FRIDAY, MARCH 8TH:—4 TO 6 P.M.

COMMERCIAL LAW.

FIRST YEAR.

Examiner, ...PROFESSOR WURTELE.

OBLIGATIONS.

1. Define the nature and effect of natural obligations, of civil obligations, and of obligations both natural and civil.

2. How can consent to a contract be given, and how is it manifested?

3. What minors are incapable of contracting; and from what contracts are those having the capacity to contract relievable?

4. What is the effect of a contract, that another shall perform something?

5. What contracts can be avoided at the suit of creditors; and within what time must suits in avoidance be brought?

6. What things and acts may be the object of an obligation?

7. How is the debtor put in default?

8. What are the rules regulating damages claimed for the breach of obligations for the payment of money?

9. When does accrued interest also bear interest?

10. In what does a term differ from a suspensive condition?

11. When in alternative obligations one of the things promised has perished through the fault of the debtor, what can the creditor, who has the option, exact?

12. How is a payment to be imputed, when neither the debtor nor the creditor make an imputation?

13. When a creditor has been paid in part with subrogation and has afterwards assigned the balance, in what position do the subrogated party and the assignee respectively stand with respect to the securities of the debt?

14. In cases of novation, when and how can the privileges and hypothecs of the ancient debt secure the payment of the new one?

15. What is the effect of an express release in favor of one of joint and several debtors; and what difference is there in this respect between the rule of our code and the Code Napoleon?

16. What is confusion; and what is its effect when a surety is the party in whose person it takes place?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1871.

THURSDAY, 9TH MARCH:—4 TO 7 P.M.

ROMAN LAW.

FIRST YEAR.

Examiner..... NORMAN W. TRENHOLME, M.A., B.C.L.

1. Of what things does the history of Roman Law properly treat: how would your divide that history, and what reasons would you assign for the division you adopt?

2. With whom did the power of legislation reside during the different periods in the history of Roman Law?

3. What were the *comitia curiata*, *comitia centuriata*, *comitia tributa*, and give some account of the nature and causes of the constitutional change effected by the establishment of the second of these?

4. What were *leges*, *plebiscita*, *senatus consulta*, *principum placita*, *responsa prudentium?*

5. What was the *jus honorarium*, and explain the manner of its formation and the causes which led to its great development and importance in Roman Law?

6. What was the influence respectively of the *jus gentium* and of the *Stoic* Philosophy upon Roman Law, and when and how did that influence operate?

7. What are the great agencies in the amelioration of law, and give illustrations from the history of Roman Law and from modern law?

8. For what is the period in the history of Roman Law between the time of Hadrian and Alexander Severus distinguished?

9. Give some account of the attempts at codification previous to the time of Justinian, with their causes and results; and describe the different compilations of Justinian and the sources from which the materials composing them were derived.

10. What are the methods of citing the different works composing the *Corpus Juris Civilis*, and give examples?

11. What are the three great natural family relations; what were their artificial extensions in Roman Law, and which of these latter have passed into the laws of modern nations?

12. What changes were effected in the law of *tutela* and *curatio* by the *Lex Atilia*, the *Lex Julia et Titia*, and the *Lex Plaetoria?*

13. Point out any differences and analogies you can between the Roman Law and our law respecting *tutela et curatio?* 1. As regards the kinds of tutorship and the modes of creating them: 2. As regards their duration and the causes which exempt or disqualify from tutorship: 3. As regards the power and authority of the tutor and his duties and obligations: 4. As regards the security enjoyed by the pupil.

14. How and on what principle would you divide written evidence, as given in our Code, and was there anything analogous to this division in Roman Law, if so, what?

15. What was the law of evidence prevailing in this Province at the time of the Cession, and what have been some of the most important changes effected therein since?

What importance attached to the distinction between a commercial and non-commercial matter from 1785 to 1860, and what importance now attaches to the distinction? Answer fully.

17. A and B are farmers. A sells to B by verbal agreement, in presence of witnesses, a horse for $100, to be paid for in one month. B has possession of the horse but fails to pay. What courses are open to A to adopt? If he sues on the contract how may he prove it? Would it make any difference if B were a horse dealer?

18. What exceptions are there to the general rule that all commercial matters may be proved by testimony? What is the origin of these exceptions, and when and how were they established in our law?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1871.

FRIDAY, 10TH MARCH :—4 TO 7, P.M.

COMMERCIAL LAW.

FIRST YEAR.

Examiner ....LECTURER WÜRTELE.

OBLIGATIONS.

1. What is an obligation, taking the word in its juridical sense ?

2. From what causes do obligations arise ?

3. Explain the difference between a contract and a pollicitation ?

4. Name and define the various divisions of contracts.

5. What things are of the essence of a contract, what of the nature of it, and what merely accidental to it ?

6. Explain the difference in the effect of a contract between a minor and a person of age, as respects the parties.

7. Is the liability of a minor who is a trader the same in all contracts ?

8. What difference is there between the incapacity of minors and interdicts and that of married women ?

9. In cases of doubt, in whose favor should a clause in a contract be interpreted ?

10. What does usage supply in the interpretation of a contract ?

11. Between whom have contracts effect; and what is the effect of an agreement that a third party shall do a certain act, when the act is not performed ?

12. In what cases can creditors impeach contracts made by their debtors, and what creditors have that right ?

13. What is a quasi-contract; and in what is there a difference as respects minors, interdicts and married women, in the liability resulting from contracts and from quasi-contracts ?

14. In what circumstances has a purely natural obligation a legal effect ?

15. For what damages caused by servants are masters liable ?

16. When does a payment made to a person unauthorised to receive it become valid ?

17. What is subrogation, and how many kinds are there ?

18. When neither the creditor nor the debtor makes an imputation, how is the money paid to be imputed ?

19. What is novation, and in how many ways can it be effected ?

20. What is compensation, and what are the conditions required for it to take place ?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATION, 1870S.

FRIDAY, APRIL 8TH :—4 to 7 P.M.

COMMERCIAL LAW.

FIRST YEAR.

Examiner..... LECTURER WURTELE.

OBLIGATIONS.

1. Define the word " Obligation " in its legal sense.
2. What elements are essential to an obligation ?
3. From what sources do obligations arise ?
4. State and define the various classes of Contracts.
5. What are the necessary conditions for the validity of Contracts ?
6. What persons are legally incapable of contracting?
7. State the distinction in respect of their capacity to contract, between minors under and those above the age of puberty.
8. What is lesion; in what cases does it vitiate contracts; and in what respect does the old and new law differ concerning it ?
9. Who are bound by contracts, and what is their effect as regards third persons ?
10. What effect has a contract for the alienation of a thing ; and what distinction is there between the effect of a contract in the one case for the delivery of a thing certain and determinate, and in the other of a thing uncertain and indeterminate ?
11. What are the remedies of creditors against on the one hand the neglect or refusal of their debtor to avail himself to their detriment of his rights, and on the other his acts in fraud of their rights ; and what limitation is there to suits brought for the avoidance of contracts thus tainted.
12. State the distinction between a quasi-contract and a quasi-offence ; and explain how persons incapable of contracting are bound by the former ?
13. What is the consequence of the non-performance of an obligation, and what distinction in the remedy is there between obligations to do, and obligations not to do a thing ?
14. How is default established ? What is the rule in commercial contracts.
15. What damages are due for the inexecution of an obligation ? What is the effect of the stipulation of a certain sum for the damages ? What damages are allowed for delay in the payment of money, and what distinction is there in obtaining damages between this case and the breach of other contracts ?
16. Explain the distinction between suspensive and resolutive conditions ; and state the effect of the loss or deterioration of the thing before the fulfilment of the condition.
17. Explain the difference between a suspensive condition and a term ; and state the effect of a term, and when its benefit cannot be claimed.
18. How is an obligation *in solido* created ? What is its effect? And what is the effect of a discharge given to one of several joint and several co-debtors ?
19. What is a penal clause ? And how can it be demanded for the contravention of an indivisible obligation ?
20. How are obligations extinguished ?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1869.

COMMERCIAL LAW.

FIRST YEAR.

Examiner.....PROF. ABBOTT, D.C.L.

1. State what elements are essential to an obligation ; and what circumstances are essential to its validity.

2. From what sources do obligations arise ?

3. State what classes of persons are legally incapable of contracting.

4. State the distinction in respect of their capacity to contract, between minors, under and above the age of puberty ; married women and minors; interdicted persons and minors ; and drunken and insane persons.

5. State the ordinary causes of nullity in contracts, and define each of them. Describe the effect of each upon the contract in which it occurs, and the remedy to which it gives rise.

6. What is the rule with regard to the consideration of a contract, as to its validity ? What as to the necessity for expressing it in the contract.

7. State in what respects the law respecting lesion is changed by the code, and in doing so point out the nature of the old law with regard to it.

8. State shortly the leading rules for the interpretation of contracts; and specially those applicable to language in contracts susceptible of two interpretations, to the necessity for inserting in a contract every particular convention that is rendered obligatory by it, and as to the party who should be entitled to the most favorable interpretation of it.

9. What is the effect of a contract for the alienation of a thing, and how is such a contract affected by delivery ? Does the code make any, and what change in the old law in this respect ? What distinctions arise when more than one contract has been made for the alienation of the same thing, and when delivery has been made to one or the other purchaser ? Is there any and what difference in this respect with regard to contracts for the alienation of immoveable property ?

10. State the effect of contracts as regards third persons, and describe the leading distinctions which present themselves in the consideration of this subject.

11. Give the general principles applicable to contracts in fraud of creditors, and specially those elements which require to concur to afford cause for annulling a contract on that ground. State the distinction between the remedies of creditors claiming debts existing before and after the contract complained of, and the prescription applicable to actions based on allegations of fraud of this character.

12. Define a *quasi* contract and a *quasi* offence, and point out the precise distinction between them. Point out the distinctions as to the parties capable of obliging themselves in these two ways.

13. Define the quasi contract *negotiomur gestio:* Explain the extent to which a person is obliged by his reception of a thing not due him, and the distinctions which arise as to his good or bad faith in so receiving it.

14. Describe the extent of the obligations of parents, tutors, schoolmasters and employers, for damages caused by children, minors, pupils or servants respectively. Also the extent of the obligation of owners of animals for the damages caused by such animals.

15. What is the consequence of the non-performance of an obligation? when and under what circumstances does the remedy of the creditor come into force? Is there any and what distinction in respect of the remedy, between obligations to do, and not to do a thing?

16. State how default is established, and point out any distinction in this respect arising from the nature of the contract, or from its terms. Describe the effect of stipulations for a penalty, and for liquidated damages; and state the difference, if any, between the old law and the code in this respect.

17. Define a conditional obligation, and describe the distinctions between suspensive and resolutive conditions. Of what nature is an obligation dependent upon an event unknown to the parties, but which had actually occurred when the obligation arose? Of what nature is an obligation with a term? If these be not conditional obligations, point out how they differ from that class of obligation.

18. Describe an alternative obligation. Who has the option of the things due under it? What is the effect of the destruction of the things due under it at different times; and point out the distinctions, if any, which arise from such destruction being caused by or without fault on the part of the debtor.

19. How may obligations *in solido* be created? What are the distinctions as to the necessity for a positive stipulation for solidarity of obligation, arising from the nature of the obligation? In what cases is solidarity produced by reason of the cause from which the obligation proceeds?

20. When is an obligation indivisible? Does the character of indivisibility extend to the damages for the non performance of such an obligation? Point out the distinctions if any, between an indivisible obligation due by two or more persons, and an obligation *in solido*.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1868.

OBLIGATIONS.

FIRST YEAR.

Examiner.....PROF. ABBOTT.

1. Give the various meanings and uses of the word Obligation; and state the sense in which it is applied in law.

2. What things are essential to the existence of an obligation?

3. Explain the distinction between things which are of the essence of a contract; those which are of its nature, and those which are merely accidental to it.

4. State and describe in detail the defects which may occur in contracts; and the precise effect of each.

5. Define a *quasi-délit* and a quasi contract; and state what bearing the fact of minority has on each.

6. Explain clearly the distinction between them—and also between them and contracts; in respect of minority; interdiction for prodigality; and interdiction for lunacy.

7. What is the effect of contracts? Define clearly the distinction between their effect as regards the parties to them, and their effect with regard to third parties.

8. Of what nature is the obligation of him who receives a thing not due? What circumstances must concur to give rise to it? And what is the distinction between the reception of a thing not exigible by reason of the existence of a condition, and one not exigible by reason of the existence of a term of payment?

9. What are the differences between the liabilities of a man who in bad faith receives a thing not due, and those of one who does so in good faith?

10. State clearly under what circumstances a man is liable for his own *quasi delits*; for those of his pupils; for those of his workmen; and for those of his animals; and point out the distinctions between them laid down by the code.

11. What are the legal consequences of the breach of an obligation? What is the general rule in measuring those consequences? What is the difference in that respect between obligations not to do a thing, and obligations to pay money?

12. In what cases if, any, does interest produce interest?

13. Define suspensory and resolutory conditions. What effect upon an obligation suspended by a condition, is produced by the destruction of the subject of it? And give any distinctions in this respect which arise from the conduct of the debtor.

14. Which party has the option in an alternative obligation? If one of two things perishes by the fault of the debtor, can the creditor demand the value of it? If the other afterwards perishes without his fault, is the obligation extinguished? If not, what will satisfy the obligation?

15. What is meant by an obligation *in solido?* Describe the contract when the creditors are joint and several. The same as to joint and several debtors.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1866.

THURSDAY, APRIL 5TH :—4 TO 6 P.M. FOR DEGREE ; 4 TO 7 P.M. FOR HONOURS.

ROMAN LAW.

THIRD YEAR.

Examiner,.....PROF. TORRANCE.

1. Define an obligation. How many kinds are there in the Roman Law? Define each kind.

2. Give the nominate real contracts and define each kind.

3. To which kind of contracts did stipulations belong? How many kinds of stipulations were there? Define each kind.

4. What were the privileges of *fide-jussores*? Explain each kind of privilege.

5. At whose risk is the thing sold? Explain the rule fully.

6. Under what class of obligations does *indebiti solutio* come? Explain it.

7. Does error in law entitle to restitution? What was Pothier's opinion? What is the Lower Canadian Law on the subject? Give a decision of our Courts applying the rule.

8. Give the divisions of *furtum* in the old Roman Law, and define each kind.

9. Explain the provisions of the *Aquilian* Law.

EVIDENCE—LOWER CANADA.

10. In what cases is oral testimony admissible. How many witnesses are required? What is the effect of interest or relationship?

11. In cases of sale, between what persons does the law of evidence in commercial matters apply?

KENT.

12. What is the rule as to the inviolability of neutral territory? Give illustrations.

13. What are the rules as to an enemy's property in a neutral vessel, and as to a neutral's property in an enemy's vessel?

14. What are the restrictions upon a neutral's trade in relation to contraband?

15. State the rule as to blockades.

WESTLAKE.

16. What is the present state of the doctrine as to national character?

17. Give the rules stated by Westlake for ascertaining domicile.

NOTA.—The questions on Kent and Westlake are additional questions to students competing for honours.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1896.

TUESDAY, APRIL 5TH—1 TO 5 P.M. FOR DEGREE; 2 TO 5 P.M. FOR DIPLOMA.

ROMAN LAW.

THIRD YEAR.

(Examiner, ...) (Time: 2 hours.)

1. Define an obligation. How many kinds are there in the Roman law? Define each kind.

2. Give the nominate real contracts and define each kind.

3. To which kind of contracts did sponsions belong? How many kinds of obligations were there? Define each kind.

4. What were the privileges of the patricians? Explain each kind of privilege.

5. As who was slave in the Roman world? Explain the rule fully.

6. Under what class of obligations does the Roman contract consist? Explain it.

7. Discover in law analogous to stipulation? What was Publius's opinion? What is the Lower Canadian law on the subject? Give a citation of our Courts applying the rule.

8. Give the divisions of persons in the old Roman Law, and define each kind.

9. Explain the provisions of the Aquilian Law.

EVIDENCE—LOWER CANADA.

10. In what cases is oral testimony admissible. How many witnesses are required? What is the effect of interest or relationship?

11. In cases of sale, between what persons does the law of evidence commercial matters apply?

SENT.

12. What is the rule as to the inviolability of neutral territory? Give illustrations.

13. What are the rules as to an enemy's property in a neutral vessel, as to a neutral's property in an enemy's vessel?

14. What are the restrictions upon a neutral's trade in relation to contraband?

15. State the rule as to blockades.

WESTLAKE.

16. What is the present state of the doctrine as to national character?

17. Give the rules stated by Westlake for ascertaining domicile.

NOTA.—The questions on Kent and Westlake are additional questions to those compelling for honours.

McGILL UNIVERSITY, MONTREAL.

SESSIONAL EXAMINATIONS, 1865.

SATURDAY, APRIL 15TH:—4 P.M. TO 6 P.M.

FIRST YEAR STUDENTS.

LAW FACULTY—COMMERCIAL LAW.

Examiner, ...PROF. J. J. C. ABBOTT.

OBLIGATIONS.

1. Define an obligation. State the different senses in which the word is used.

2. What is the difference between a perfect and imperfect obligation, and what things are of the essence of a perfect obligation?

3. State the usual causes from which obligations proceed, defining each. State the various classes of defects which may occur in contracts, and the effects of each of them.

4. Define the principal accessory contracts. How may they be extinguished; and what are the leading distinctions between principal and accessory obligations?

5. What is meant by the cession of actions in accessory obligations? What is the effect upon the parties, and upon the obligations, if the creditor has impaired or destroyed the rights he may be required to cede?

6. What are alternative obligations? With whom does the power of choice rest? Explain the doctrine fully, marking the difference between the obligation of one thing with another "in facultate solutionis" and an alternative obligation of two things.

7. Define obligations in solido. What is the difference between solidarity on the part of the Debtors and on that of the Creditors? How may solidarity be established, and how removed?

8. State the effects of solidarity between several Debtors, and between several Creditors. What are the rights of a Debtor in solido who pays the whole debt; and how is a debt affected by the acknowledgment of it by one debtor, as regards prescription?

9. Define the doctrine of Prescription. What are the different periods of prescription, and the contracts to which they apply; and what are the modes in which prescription may be prevented?

10. State the difference between novation and delegation. Define confusion, and the difference between novation and confusion.

11. Define suretyship. What exceptions may the surety oppose against a suit by the creditor? Explain fully the nature and effect of such exceptions.

12. How are obligations extinguished? Explain concisely each mode of extinction.

McGILL UNIVERSITY, MONTREAL.

SESSIONAL EXAMINATIONS, 1885.

SATURDAY, APRIL 18TH—4 P.M. TO 6 P.M.

FIRST YEAR STUDENTS.

LAW FACULTY—COMMERCIAL LAW.

Examiner, ...Prof. J. C. ABBOTT.

OBLIGATIONS.

1. Define an obligation. State the different senses in which the word is used.

2. What is the difference between a perfect and imperfect obligation, and what things are of the essence of a perfect obligation?

3. State the usual causes from which obligations proceed, defining each. State the various clauses of defects which may occur in contracts, and the effects of each of them.

4. Define the principal accessory contracts. How may they be established; and what are the leading distinctions between principal and accessory obligations?

5. What is meant by the cession of actions is accessory obligations? What is the effect upon the parties, and upon the obligations, if the creditor has impaired or destroyed the rights he may be required to cede?

6. What are alternative obligations? With whom does the power of choice rest? Explain the doctrine fully, marking the difference between the obligation of one thing with another "in alternative solutionis" and an alternative obligation of two things.

7. Define obligations in solido. What is the difference between solidarity on the part of the Debtors and on that of the Creditors? How may solidarity be established, and how removed?

8. State the effects of solidarity between several Debtors, and between several Creditors. What are the rights of a Debtor in solido who pays the whole debt; and how is a debt affected by the acknowledgment of it by one debtor, as regards prescription?

9. Define the doctrine of Prescription. What are the different periods of prescription, and the contracts to which they apply; and what are the modes in which prescription may be prevented?

10. State the difference between novation and delegation. Define confusion, and the difference between novation and confusion.

11. Define suretyship. What exceptions may the surety oppose against a suit by the creditor? Explain fully the nature and effect of such exceptions.

12. How are obligations extinguished? Explain concisely each mode of extinction.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1864.

MONDAY, APRIL 17TH:—4 TO 6 H. 20 M. P.M.

ROMAN LAW.

THIRD YEAR.

Examiner,.....PROF. F. W. TORRANCE.

1. Define an obligation. What were the causes of obligations? Give the divisions of obligations.

2. Give the divisions of contracts. Explain briefly each division.

3. How many degrees of faults were there? Give the history of the question.

4. Was the *depositarius* responsible for his negligence?

5. What were the different "*beneficia*" available to the *fidejussor?* Explain each.

6. At whose risk were things sold? Distinguish the cases.

7. What do you understand by the law *Aede?* Is it in force with us? If not, when was it repealed?

8. Distinguish between error of law and error of fact. Could money paid under an error be recovered back? What is our law on the subject? Mention a case deciding the question in our Courts.

9. State some of the general rules regulating the interpretation of contracts.

10. What was the *Lex Aquilia?*

11. What was the rule of the Ordinance de Moulins regulating the admission of oral testimony? State four general principles which Pothier deduces from this rule.

12. Define Public international law—private international law.

13. What four principles of international law were adopted by the Congress of Paris, A.D. 1856?

14. What rule of private international law was applied by our Courts in Rogers v. Rogers, 3 L.C., p. 64, and what rule was applied in the English case of Brook v. Brook?

15. How far has the English law been in force in relation to Townsbip lands in Lower Canada? Mention any cases in which the question has been fully discussed, and where they are to be found? Mention a statute of Lower Canada in 1857, bearing on this subject, and explain its aim and provisions.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1884.

WEDNESDAY, APRIL 17TH—4 TO 6 P. M.

ROMAN LAW.

THIRD YEAR.

Examiner,.....Prof. E. W. Thomson.

1. Define an obligation. What were the causes of obligations? Give divisions of obligations.

2. Give the divisions of contracts. Explain briefly each division.

3. How many degrees of faults were there? Give the history of the distinction.

4. Was the depositary responsible for his negligence?

5. What were the different "bonorum" available to the delegatory? Explain each.

6. At whose risk were things sold? Distinguish the cases.

7. What do you understand by the law *Aquilia*? Is it in force with us? If not, when was it repealed?

8. Distinguish between error of law and error of fact. Could money paid under an error be recovered back? What is your law on the subject? Quote a case deciding the question in our Courts.

9. State some of the general rules regulating the interpretation of wills.

10. What was the *Lex Aquilia*?

11. What was the role of the Ordinance de Moulins regulating the admission of oral testimony? State four general principles which flow or deduce from this rule.

12. Define Public international law—private international law.

13. What four principles of international law were adopted by the congress of Paris, A.D. 1856?

14. What rule of private international law was applied by our courts in Hogarty v. Rogers, 3 L.C.J. p. 64, and what rule was applied in the English case of Brook v. Brook?

15. How far has the English law been in force in relation to Towns and lands in Lower Canada? Mention any cases in which the question has been fully discussed, and where they are to be found? Sketch a history of Lower Canada in 1867, bearing on this subject, and explain its main provisions.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1864.

FRIDAY, APRIL 15th.

COMMERCIAL LAW.

(FIRST YEAR.)

OBLIGATIONS.

Examiner .. .. PROF. ABBOTT.

1. State the different senses in which the word "Obligation" is used, and define its strict legal meaning.

2. How is an Obligation created, and what is its effect?

3. What is the difference between a Contract and an Obligation? How is a Contract created? What is the difference between a pollicitation and a Contract?

4. What is the effect of violence in the inception of a Contract? Of fraud? Of lesion? In what kinds of Contract may the latter defect occur,—and in what proportions does it affect them? Give a reason for the distinction.

5. Name and define the principal accessory Contracts. How may they be extinguished? State the leading distinctions between principal and accessory obligations.

6. What is meant by the cession of actions in relation to accessory obligations? To whom does the right of demanding it belong? How may that right be wholly or partially lost? What is the effect upon the parties and upon the obligations if the creditor has acted in such a manner as to impair or destroy the rights which he might be required to cede?

7. How may solidarity of obligation be contracted? If in different modes, state and explain each of them. How may it afterwards be limited or destroyed? Explain fully the effect of solidarity between creditors.

8. What is prescription? Upon what presumption does it rest? What natural law does it infringe? State the different periods of prescription and the contracts to which they apply. State the modes in which prescription may be prevented, and the distinctions, if any, applicable to different kinds of obligations.

9. What is novation? What is the difference between novation and delegation? How is novation effected? What is the difference between novation and confusion? Explain confusion and its effect.

1. Define an obligation. What are the chief divisions of obligations? Whence do obligations arise?

2. Name the nominate real contracts and define each.

3. How many degrees of *culpæ* were there in the Roman Law? State the opinions of Pothier and Ducaurroy.

4. Give the history of the subject of *usuræ* in the Roman jurisprudence and the history of the law of interest with us.

5. Explain the actions arising out of *depositum* and *pignus*.

6. In what contracts was a stipulation used? What were the actions arising from it? From what causes might it be *inutilis*?

7. What was the aim of the Sctum Velleianum? Is there any and if so what provision akin to it in our own law?

8. Does error in law entitle to restitution? What was Pothier's opinion? What is the English and French law on the subject? Name a decision of our Courts and what was the rule then laid down?

9. What was understood by *furtum conceptum*, *oblatum*, *prohibitum*, and *non exhibitum*?

10. Explain the meaning and give the history of the *legis actiones*—the ormulary system—and the extraordinary procedure.

11. How was the temerity of litigants restrained?

EVIDENCE, L. C.

1. What French ordinances laid down rules respecting the adduction of oral testimony, and what four general principles may be drawn from their dispositions?

2. State the present position of our law respecting the examination of the parties to a cause and the effect of their testimony? What change have been made in the law in this matter since 1856.

3. What is the present state of the law of evidence with regard to the number and interest of witnesses?

INTERNATIONAL LAW.

1. Define public international law—private international law.

2. What were the rules applied in Languedoc v. Laviolette, 1 L. C. Jurist, 240 and in Laviolette v. Martin, 5 L. C. Jurist 211.

UNIVERSITY

OF

McGILL COLLEGE.

MONTREAL.

SESSIONAL EXAMINATIONS, APRIL, 1861.

TUESDAY, APRIL 16th.—4 P.M TO 6 P.M.

LAW FACULTY—COMMERCIAL LAW.

Examiner, ...J. J. C. ABBOTT, Prof.

FIRST YEAR STUDENTS.

QUESTIONS ON THE LAW OF OBLIGATIONS.

1. Define an obligation. State the different senses in which the term is used: the distinction between a perfect and an imperfect obligation: and what things are of the essence of a perfect obligation.

2. What are the usual causes from which obligations proceed. Define each of them. State the various classes of defects which may occur in contracts—and the effect of each of them: the persons who may contract obligations, and the things which may be the objects of them.

3. Explain the distinction between civil and natural obligations, and between principal and accessory obligations. Describe the nature of a conditional obligation; the effect of a condition: and the distinctions between suspensive and resolutory conditions.

4. What is an alternative obligation? Does the power of choice of the thing to be paid rest with the creditor or with the debtor? What is the effect of the unavoidable destruction of one of the things due? of all? What, if one of the things due perishes by the fault of the debtor, the other without? and distinguish between the case of the latter perishing before the former—and the contrary one. What is the difference between an alternative obligation of two things, and the obligation of one thing with another *in facultate solutionis.*

5. Define obligations *in solido*,—and distinguish between those in which the solidity exists on the part of the debtors and on that of the creditors. How is solidity caused or established? How may it be removed? What are the effects of solidity as between several debtors? As between several creditors? What are the rights of a debtor *in solido* who pays the whole debt? How is the debt affected by the payment of it by one debtor? By the acknowledgment of it by one debtor as regards prescription?

6. What is the nature and effect of the obligation of a surety? What exceptions may a surety oppose against a suit by the creditor of the obligation for which he is surety? State in full the nature and effect of such exceptions, and specially of the exception of discussion.

7. How may obligations be extinguished? Give a short description of each mode of extinction—and explain at length the effects of the extinction of the thing due—and of novation respectively.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

TUESDAY, MARCH 12TH:—4 TO 6 P.M., FOR DEGREE;

6 TO 7 P.M., FOR HONOURS.

CIVIL PROCEDURE.

THIRD YEAR.

Examiner.....PROFESSOR GONZALVE DOUTRE, B. C. L.

1. Quels sont les tribunaux en existence et indiquez leur juridiction respective ?

2. Quels sont les moyens que le défendeur peut opposer préliminairement et péremptoirement à l'action dirigée contre lui ?

3. Par quel procédé le défendeur démontre-t-il qu'il n'existe aucun lien de droit apparent entre le demandeur et lui ?

4. Qu'entendez-vous par contestation liée ?

5. Par quel moyen une partie attaque-t-elle l'authenticité ou la vérité d'un acte notarié, soit par action directe ou dans une instance pendante ?

6. Comment une partie non en cause peut-elle lier contestation avec les parties en cause ?

7. Par quels procédés une partie peut-elle faire examiner, sur les lieux, des témoins résidant en dehors de la Province ou éloignés du tribunal d'au delà de dix lieues.

8. Quelle distinction faites-vous entre une motion pour jugement sur le verdict, une motion pour nouveau procès par jury, une motion ponr jugement *non obstante veredicto* et une motion pour arrêt de jugement, et dites si ces diverses motions peuvent être prises indistinctement par l'une ou l'autre partie ?

9. Lorsqu'une partie décède, par quel procédé les représentants du défunt peuvent-ils obtenir le droit de continuer l'instance et par quel procédé peuvent-ils être forcés de le faire, s'ils s'y refusent ?

10. Qu'entendez-vous par serment décisoire, par serment déféré et par serment référé ?

11. Si la minute du jugement diffère de la transcription du jugement au registre, est-ce la minute ou la transcription qui fera foi ?

12. Combien le Code accorde-t-il de genres de revision et dans quel cas sont-ils employés ?

N. B.—The first eight questions are for *Degree*. The whole of the questions for *Honour* course.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SPECIAL EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL, 1872.

MONDAY, MARCH 18TH:—4 TO 7 P.M.

Examiner,.....NORMAN W. TRENHOLME, M.A., B.C.L.

1. Give some account of the different epochs in early law and the nature of law in each, pointing out the importance of early Codes, and the effect of codification on the growth and cultivation of law? Also of the principal attemps at codification in the history of Roman Law with dates, causes and results.

2. According to Maine, what is the nature of property in primitive society, what the origin of individual rights of property; discuss some of the theories on this subject particularly the Roman doctrine of occupancy and the important part played by it; also point out some of the means or agencies in the amelioration of the law of property and the manner in which they operated?

3. Give briefly and historically, with reference to periods in Roman Law, the meaning of the following terms: Manus, dominium, potestas, mancipii causa, confarreatio, coemptio, usus, justæ nuptiæ, concubinatus, usurpatio, usucapio, præscriptio, civitas, jus Latii, Latini-Juniani, perigrini, jus Italicum, hæreditas, bonorum possessio, nexum, mancipium, obligatio, obligatio civilis, obligatio naturalis, obligatio prætoria, pactum, agnatio, cognatio, testamentum, codicilli, fideicommissum.

4. Also give in like manner the meaning of: comitia curiata, centuriata, tribula; leges, plebiscita, Scta, principum placita, edictum perpetuum edictum provinciale.

5. What was the jus gentium of early and also of later Roman Law, how was it formed, what causes gave rise to it? and point out some of its influence on Roman jurisprudence, and in modern times.

6. Give the leading rules (with origin and dates) governing the admissibility of paral evidence in this Province since the Cession.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

THURSDAY, MARCH 7TH:—4 TO 6; 4 TO 7 P.M., FOR HONOURS.

ROMAN LAW.

Second Year.

Examiner,.....NORMAN W. TRENHOLME, M.A., B.C.L.

1. Point out fully the difference between what are called jura in rem and jura in personam, and the subjects in the "Institutes" comprehended under each.

2. What are the principal modes of acquiring per universitatem, and how many kinds of succession were there in the Roman Law?

3. What were the different kinds of Wills known to Roman Law, at what period did each prevail, and what were the requirements essential to the validity of each?

4. What were the different kinds of heirs in Roman Law, and what benefits did they enjoy?

5. What were Codicilli, and what Fideicommissa? When, and for what purpose, were they introduced, and when were they made binding in Roman law? Have we anything corresponding in our law?

6. What was the yearly legacy, and what were the provisions of the Sctia Pedalianum and Apuleianum?

7. Into what different periods may the law of abintestate succession be divided in Roman Law, and what was the state of the law and order of succession in each period? What was the famous legislation of Justinian on the subject?

8. Seius, who is worth 240,000, dies without descendants, leaving a father, Titius; a maternal grandmother, Semprie; two brothers and a sister of the full blood, Titius, Gaius, and Gaiata; a brother and two sisters of the half blood, Sempronius, Septimia, and Octavia; a nephew, son of a brother of the full blood, Decimus. How would Seius' estate be divided according to the celebrated system of Justinian, and how according to our code?

9. Give an historic account of the growth and development of the Law of contract in Roman Law, pointing out the essentials to a valid contract in different periods.

10. What was the test of an obligatio civile? Had obligations naturales any, and if so, what effect in Roman Law, and in what cases? Have they any effect in our law?

11. What are the contractes innominati, and what the contractes innominati; and under what four classes may the latter be ranged?

The first eight questions are for the Ordinary Examination; the whole for Honours.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

THURSDAY, MARCH 7TH:—4 TO 6; 4 TO 7 P.M., FOR HONOURS.

ROMAN LAW.

FIRST YEAR.

Examiner,.....NORMAN W. TRENHOLME, M.A., B.C.L.

1. What are the chief matters treated of in the history of the Roman Law, and what advantages does that law afford, over other systems, for the historic and philosophical study of jurisprudence?

2. Into what periods would you divide the history of Roman Law; state the grounds for the division you adopt; and some of the chief events in the external history of Rome during your second period that affected Roman Law and Legislation, pointing out how they affected it?

3. What were some of the principal agencies and causes which led to the Roman Law being incorporated into the laws of modern nations?

4. What were some of the great constitutional changes in the government of Rome; describe some one of these changes with its principal causes, and its effect on the character of Roman Legislation?

4. What were *leges* (*curiatæ* and *centuriatæ*,) *plebiscita*, *senatus consulta*, *magistratuum edicta*, *responsa prudentium*, *principum placita*, and during what period or periods of Roman Law were they respectively recognized as sources of law?

5. Define law, and show that in mature jurisprudence it has only one real source, and point out how what are usually called the sources of the Roman Law may all be referred to this one source or fountain?

What difference between the idea or definition of law in primitive and mature jurisprudence?

6. Give some account of the different attempts at codification in Roman Law before the time of Justinian, and of that Emperor's Compilations, with dates, and the causes that called for codification?

6. What works constitute the *Corpus Juris Civilis*, and how are they cited or referred to? Who are the great jurists from whose writings the Pandects are chiefly taken?

7. What is meant by *persona* in Roman Law; what are the different divisions of persons given in the "Institutes" and their respective basis?

8. How might marriage be formed in Roman Law, and what were the effects of the different forms of marriage as regards the wife and her property?

9. What were the different kinds of *tutela* in Roman Law, and how many kinds have we in our law?

10. Distinguish the great agencies in the amelioration of law, and point out the order and manner in which they exercised their beneficial influence on Roman Law?

11. What are the great natural family relations, what their artificial extensions in Roman Law, and which have passed into the laws of modern nations?

12. To what extent do the family relations come within the domain of law?

13. What were the principal sources of the Roman Law that prevailed in the Western Empire at the time of its overthrow, and what were the different Barbarian Codes drawn up shortly after?

The first nine questions are for the Ordinary Examination; the whole for Honours.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1873.

TUESDAY, MARCH 17TH:—4 TO 6; 4 TO 7 P.M., NON HONORS.

ROMAN LAW.

First Year.

Examiner,.....NORMAN W. TRENHOLME, M.A., B.C.L.

1. What are the chief matters treated of in the history of the Roman Law, and what advantages does that law afford, over other systems, for the historic and philosophical study of jurisprudence?

2. In what periods would you divide the history of Roman Law; state the grounds for the division you adopt; and some of the chief events in the external history of Rome during your second period that affected Roman Law and Legislation, pointing out how they affected it?

3. What were some of the principal agencies and causes which led to the Roman Law being incorporated into the laws of modern nations?

4. What were some of the great constitutional changes in the government of Rome; describe some one of these changes with its principal causes, and its effect on the character of Roman Legislation?

4. What were Leges (curiatæ and centuriatæ), plebiscita, senatus consulta, magistratuum edicta, responsa prudentum, principum placita, and during what period or periods of Roman Law were they respectively recognized as sources of law?

5. Define law, and show that in mature jurisprudence it has only one real source, and point out how what are usually called the sources of the Roman Law may all be referred to this one source or fountain?

What difference between the idea or definition of law in primitive and mature jurisprudence?

6. Give some account of the different attempts at codification in Roman Law before the time of Justinian, and of that Emperor's Compilations, with dates, and the causes that called for codification?

6. What works constitute the Corpus Juris Civilis, and how are they cited or referred to? Who are the great Jurists from whose writings the Pandects are chiefly taken?

7. What is meant by persons in Roman Law; what are the different divisions of persons given in the "Institutes" and their respective basis?

8. How might marriages be formed in Roman Law, and what were the effects of the different forms of marriage as regards the wife, and her property?

9. What were the different kinds of wills in Roman law, and how many kinds have we in our law?

10. Distinguish the great agencies in the amelioration of law, and point out the order and manner in which they exercised their beneficial influence on Roman Law?

11. What are the great natural family relations, what their artificial extensions in Roman Law, and which have passed into the laws of modern nations?

12. To what extent do the family relations come within the domain of law?

13. What were the principal sources of the Roman Law that prevailed in the Western Empire at the time of its overthrow, and what were the different Barbarian Codes drawn up shortly after?

The first nine questions are for the Ordinary Examination; the whole for Honors.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SPECIAL EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL.

MARCH 18TH:—4 TO 7 P.M.

ROMAN LAW.

Examiner.....NORMAN W. TRENHOLME, M.A., B.C.L.

1. Give an account in order of the principal points to be noted n the history of Roman Law with reference to (1) its sources and legislation, (2) its growth, development and cultivation, (3) its codification.

2. In what departments of modern law has the *Jus Prætorium* had most influence, and have any, and if so what, provisions of the *Edictum Ædilicium* passed into our law?

3. Give an historic sketch of the law of Abintestate Succession, and of Contract in Roman Law, and of their influence on modern law and subjects of thought.

4. Give an historic account in order of the sources of our law respecting gifts, wills, substitutions and evidence, pointing out the most important changes in the law on each subject since the Conquest.

5. What matters may be proved by witnesses in our law, and what was the origin of the different limitations in it respecting the admissibility of parol evidence?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1871.

THURSDAY, 9TH MARCH:—4 TO 7 P.M.

ROMAN LAW.

SECOND YEAR.

Examiner.....NORMAN W. TRENHOLME, M.A., B.C.L.

1. Enumerate the different modes of acquiring *per universitatem* describing fully the principal of these and the importance of the position they occupy in jurisprudence.

2. Describe the different kinds of wills in Roman Law; the requirements for the validity of each, and the causes which called them into existence and led to their disuse?

3. What is the nature of the position occupied by Roman Law with regard to testamentary succession, and in what way did early views in Roman Law on this subject differ from those of mature Roman jurisprudence and of modern times?

4. What was the *querela inofficiosi testamenti*; what was the *quarta falcidia*?

5. What were the leading provisions of the 118 and 127 Novels o, Justinian, and what influence, if any, have they had on modern law and legislation.

6. Give an account of the origin and law of *codicils* and *fidei com mias* and of the *Scta Trebellianum* and *Pegasianum*.

7. Give a full account of the origin and growth of the law of contract in Roman Law and of its influence in modern times?

8. Define *obligatio*; and point out the real distinction between *obli gatio civilis* and *obligatio naturalis*, and the effects given to the latter in Roman Law and in our law.

9. What were the *contractus nominati* and what the *contractus innomnati*, and in what respect did they differ from each other?

10. What was the origin of the stringent provisions existing in modern jurisprudence against hotel keepers, carriers and the like?

11. A delivers to B, who is a manufacturer, a quantity of wool to be made into cloth. While the wool is in B's mill a fire occurs by which it is burnt. Is B responsible to A for the loss of the wool? State the general rule applicable in like cases, and point out any distinctions that may occur to you? What would the law be, if the wool had been delivered to B, as a carrier, to transport, and was burnt or stolen while in B's hands?

12. When was the contract of sale perfected in Roman Law, and what importance attaches to the determining of this point? Indicate any similarity and differences that occur to you between the Roman Law and our law respecting the contract of sale.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SPECIAL EXAMINATION FOR ELIZABETH TORRANCE GOLD MEDAL, 1870

APRIL 19TH :—4 TO 7 P.M.

ROMAN LAW.

Examiners.....PROF. TORRANCE & MR. TRENHOLME.

1. Give some account of the different periods in the history of Roman Law and of the sources of legislation, distinguishing characteristics, and leading jurisconsults, in each period.

2. What is the plan of the Institutes of Justinian and what the principal divisions of persons and things treated of in them?

3. Give some account of the law of abintestate succession and of the character, importance and influence of the changes effected therein by the legislation of Justinian, particularly by the Novels.

4. Give an historic sketch of Testamentary succession in Roman Law and of the different kinds of Wills known therein, pointing out the importance of the position held by Roman Law on this subject.

5. Give an account in order of the principal agencies in the development of Roman Law, pointing out the importance and place of each, and the period at, and manner in which, it operated.

6. Give some account of the history and progress of the Law of Contract.

7. Point out some of the principal institutions or subjects in modern jurisprudence which owe their existence to Roman Law or have been most deeply affected by its principles.

8. Explain *manus, dominium, possessio ; usucapio, prescriptio ; jus Latinum, jus Italicum ; nexum, obligatio, actio utilis.*

McGILL COLLEGE, MONTREAL,

Faculty of Law.

SESSIONAL EXAMINATIONS, 1870.

THURSDAY, APRIL 7TH : — 4 to 6 P.M. ; AND 4 to 7 FOR HONOURS.

ROMAN LAW.

SECOND YEAR.

Examiners..... ..PROF. TORRANCE & MR. TRENHOLME.

1. Give an account of *Dos* and of the matrimonial rights of women in Roman Law.

2. What are the different modes of acquiring *per universitatem* given in the Institutes, and what common idea underlies and runs through the whole of them ? Which are the two principal modes of thus acquiring ?

3. Define *testamentum* and give an historic account of each kind of will in Roman Law and of the requirements of each.

4. What were the *institutio* and *exhœredatio heredis* and what were the requisites necessary to their validity ?

5. What were the different kinds of heirs in Roman Law ; what *beneficia* did they enjoy, and what similar provisions in our law ?

6. What were the different kinds of *fideicommissa* in Roman Law and when and for what purpose were they introduced ?

7. State what you know about the law of abintestate succession in Roman Law : what radical change did Justinian effect and how has his legislation influenced modern legislation on the same subject ?

8. What are the causes of obligations as given in the Institutes ?

9. What are the different kinds of contracts, and give some account of each ?

10. Give some account of *Fidejussion* or suretyship in Roman Law.

11. What is the peculiarity of the position held by Roman Law as regards Wills ?

12. What is the nature of the position occupied by Contract in modern times compared with its position in early Roman Law, and what are some of the errors prevalent on this subject ?

13. Give a full account of the development and progress of the Law of Contract in Roman Law, pointing out the steps in the progress and the nature and tendency of the changes.

14. Mention some of the errors which the term, *contractus juris gentium*, has given rise to both in ancient and modern times.

N.B.—The first ten questions are for degree, and the whole for honors or standing.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1870.

THURSDAY, APRIL 7TH :—4 TO 6 P.M. ; AND 4 TO 7 FOR HONOURS.

ROMAN LAW.

FIRST YEAR.

Examiners.....PROF. TORRANCE & MR. TRENHOLME.

1. Point out some of the reasons which, in your opinion, give importance to the study of Roman Law.

2. In what two ways may the history of Roman Law be divided into periods and what are the grounds and advantages of each method of division ?

3. What were the great constitutional changes and epochs in the Roman constitution and the causes, nature and tendency of these changes, and their influence upon the character of legislation ?

4. What was the position of the city of Rome as regards legislative authority, and what the position of Italy and the Provinces, during the different periods in the history of Roman Law ?

5. Define *jus* and its different divisions, and what is the source of all law or *jus* which constitutes the proper subject of jurisprudence ?

6. What is the *corpus juris civilis*, and what were the sources from which the different words forming it were taken ?

7. What is the character of the period in Roman Law between Hadrian and Alexander Severus ?

8. What are the different kinds of tutorships and curatorships in Roman Law, and what in our law ?

9. What security or protection had the pupil against the tutor in Roman Law, and what in our law ?

10. Explain the different kinds of *potestas* in Roman Law, and how do you account for the *patria potestas* and the power of the husband over the wife being in early Roman Law nearly the same in extent as that over the slave ?

11. How are *Res* divided in the Institutes, and what are the principal *jura* in *rem* ?

12. Describe the different methods of acquiring in Roman Law, and state the changes effected in usucapion or prescription by Justinian ?

N. B.—The first eight questions are for the degree, and the whole for honors or standing.

McGILL UNIVERSITY, MONTREAL.

SPECIAL EXAMINATION FORTHE

ELIZABETH TORRANCE GOLD MEDAL, 1869.

APRIL 20TH :—4 TO 7 P.M.

ROMAN LAW.

Examiners.....PROF. TORRANCE AND MR. TRENHOLME.

1. Mention the different periods into which the history of Roman Law is usually divided, with the distinguishing characteristics, and principal jurists, of each period.

2. Give an account of *usucapio* and *præscriptio* in Roman Law, pointing out alogies in our law.

3. What was the *peculium* of the son, and what were the successive steps of progress in the law on this subject?

4. What was the *Dos* and what were some of the changes it underwent in Roman Law?

5. Explain the different kinds of wills in Roman Law, (including codicils), and point out their connection with and influence upon wills in our law.

6. Give some account of the influence exerted on Roman Law by the jurisdiction of the Prætor.

7. What was the law of abintestate succession established by Justinian and point out analogies and differences in our law.

8. Explain the different contracts *Re*.

9. What is considered a *survenance d' enfant* in our law sufficient to give rise to revocation of gifts? In what condition does the thing then return to the donor, and is the law the same in case of revocation for cause of ingratitude? Give reasons.

10. What is the conventional appointment of an heir (*institution contractuelle*) and to what extent does it exist in our law?

11. May the husband by our law dispose of all the property of the community by gift *inter vivos*; may he by will, and what is the effect of his doing so in the latter case?

12. Point out fully the importance at different periods since the Conquest of distinguishing between commercial and non-commercial matters in our law.

13. Mention the different persons and classes of persons incompetent to give testimony in our law, with the grounds on which such incompetency is based in each case.

14. What is the effect of absence of place and date in wills in our law?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1869.

THURSDAY, 8TH APRIL.

SECOND YEAR.

Examiners,.....PROFESSOR TORRANCE AND MR. TRENHOLME.

1. What was the order of abintestate succession by the law of the XII Tables and what were some of the principal changes and how effected, (1) prior to the time of Justinian and (2) by Justinian?

2. What was the *bonorum possessio* and state whether we have anything in our law corresponding to that *unde vir et uxor?* Whence *unde?*

3. What are the causes of obligations as given in the Institutes?

4. How many classes of contracts were there and explain each giving some idea of their comparative importance at different periods in Roman Law?

5. Define *commodatum* and point out wherein it resembles and differs from *mutuum* and *locatio-conductio.*

6. Was the *commodatus* liable for the loss of the thing caused by inevitable accident, and if so in what cases?

7. What were necessary deposits, and what important class of bailments are assimilated to necessary deposits in our law?

8. Mention the different kinds of sureties known to Roman Law with some account of each.

9. Why was it important in sale that the price should be in money?

10. When was the contract of sale perfected, and from what time was the thing sold at the risk of the purchaser? Explain fully.

11. What was the *actio serviana*, and does it exist in our law?

12. How many degrees of *culpa* were there in Roman Law? Explain fully.

13. What was the *condictio indebiti*, and does it exist in our law?

14. Could a sum paid by error of law be recovered back? What was the opinion of Pothier, and what is our law?

The following questions are for honors:

15. Define *obligatio*, and state how obligations are divided in the Institutes.

16. Mention the *contractus nominati*, a state under what four heads all innominate contracts may be ranged.

17. A borrows from B 100 pieees of gold, and before he pays them back the piece is lowered in value one fifth by the sovereign, what number of pieces is A obliged to return?

18. Define *venditio-emptio*, and state wherein it differs from sale as defined by our Code.

19. What were *arrhae* or *arrae*, and what new character was given to them by Justinian? What is the rule in our law where earnest has been given?

20. What are the principal obligations *quasi ex contractu*?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1869.

THURSDAY, APRIL 8TH:—4 P.M. TO 6 P.M.;

AND 4 P.M. TO 7 P.M. FOR HONOURS.

FIRST YEAR.

Examiners.....PROFESSOR TORRANCE AND MR. TRENHOLME.

1. Where is the golden age of Roman Jurisprudence usually placed; what form did the cultivation of the law take in this age, and state what you know of the lives of the great jurists whose names are associated with it?

2. Mention the different sources of the Roman Law and define each.

3. Give some account of the works forming the *corpus juris civilis* and of the changes effected in Roman Law by Justinian.

4. How many forms of marriage were there in Roman Law, and explain each with respect to the formality of its celebration, its eonsequcnces and the period when it prevailed?

5. Define *tutela*; how many kinds were there in Roman Law, and explain each? How many and what kinds exist in our law?

6. Was a person under a certain age obliged to receive a curator?

7. Define *res*, *bona*, *pecunia*. Mention some divisions of *res* in early Roman Law, and give the divisions of the Institutes, with the ground-upon which they are based.

8. Enumerate the different classes of *res extra patrimonium nostrum* and define each.

6. When did a person acquire or lose the ownership in animals *feraе naturae*, in animals wounded by him in the chase, and in bees escaped from a hive, and what is our law on these subjects?

10. Define *thesaurus*; to whom did it belong? To whom is it given by our law and to whom by the English law?

11. Explain the action *de tigno injuncto* and point out its exceptio na character and the grounds therefor.

12. To whom did the Roman Law give islands formed inrivers and streams and what is our law on the subject?

13. How were servitudes created and how terminated?

14. Mention the personal servitudes and the rights and obligations of the person enjoying them in each case?

The following questions are for honors.

15. Mention some of the causes that successively contributed to the improvement of the Roman Law?

16. How was legitimation effected? By whom was legitimation by subsequent marriage introduced, what were the conditions necessary to its validity, and how did it differ in its effects from legitimation in our law?

17. Explain *satisdatio tutorum vel curatorum : excusationes tutorum vel curatorum*, pointing out the resemblances and differences that exist in our law.

18. Under what class of *res* were the sea and sea-shore (*mare et litus maris*) placed, and what is the rule among modern nations as to jurisdiction over these?

19. Mention the different kinds of accession and some of the leading rules on the subject?

20. How are real servitudes divided, and what is it that determines the character of the servitude? Mention some of the principal servitudes of each kind.

21. Explain *emphytensis, superficies* and *jus pignoris.*

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1868.

FRIDAY, APRIL 17TH:—4 P.M. TO 6 P.M. FOR DEGREES.—4 P.M. TO 7 P.M. FOR HONOURS.

ROMAN LAW.

SECOND YEAR.

Examiner.....PROF. TORRANCE.

1. What was the order of successions recognized by the law of the 12 Tables?

2. What was the system of successions introduced by the Prætorian law?

3. What system did Justinian introduce by the 118th and 127th Novets?

4. What were the modifications introduced by the *Sctum Tertullianum?*

5. What those introduced by the *Sctum Orphitianum?*

6. How was the succession of the freedmen regulated by the law of the 12 Tables? What modifications were introduced by the Prætorian law, by the Lex Papia, and by Justinian?

7. What are the three heads of the *Lex Aquilia?*

8. What were the names and meanings of the different parts of the *formula* in the formulary period?

9. What was the effect of the noxal abandonment made *in jure, in judicio*, or after the condemnation?

10. Was the proprietor of a ferocious animal liable for damages caused by the animal?

11. When was a party in a cause obliged to furnish security?

12. What actions neither passed to nor against heirs?

13. What was the effect of the assignation of a freedman?

14. In what case was the property of a deceased person adjudged in order to validate his enfranchisements?

15. Explain *stipulatio*.

16. In what sense can slaves stipulate? Who profits thereby? *Quid*, if there are several masters.

17. What things are not susceptible of being stipulated?

18. How did *fidejussores* bind themselves? To what obligations did the *fidejussores* accede? In what consisted the benefits of *fidejussion?*

N.B.—The first 12 questions are for the DEGREE. All the 18 questions for the Honour course.

McGILL COLLEGE, MONTREAL.

FACULTY OF LAW.

SESSIONAL EXAMINATIONS 1[illegible].

Friday, April [illegible]—1 p.m. to 4 p.m. Tuesday—1 p.m. to 4 p.m.
[illegible]

ROMAN LAW.

SECOND YEAR.

Examiner ..... Prof. Trenholme.

1. What was the order of successions recognized by the law of the Twelve Tables?

2. What was the system of successions introduced by the Prætorian law?

3. What system did Justinian introduce by the 118th and 127th Novels?

4. What were the modifications introduced by the Sylan Senatusconsult?

5. What these introduced by the Silian Senatusconsult?

6. How was the succession of the freedmen regulated by the law of the Twelve? What modifications were introduced by the Prætorian, by the Lex Papia, Lex Julia Junian?

7. What are the three kinds of the Lex Aquilia?

8. What were the names and meanings of the different parts of a suit in the formulary period?

9. What was the effect of the noxal abandonment made in the [illegible], or after the condemnation?

10. Was the proprietor of a ferocious animal liable for damages caused by the animal?

11. When was a party in a cause obliged to furnish security?

12. What actions neither passed to nor against heirs?

13. What was the effect of the assignment of a freedman?

14. In what case was the property of a deceased person adjudged to [illegible] in his collateral heirs?

15. Explain [illegible].

16. In what cases can slaves stipulate? Who profits thereby? Can they if there are several masters.

17. What things are not susceptible of being stipulated?

18. How did obligations bind themselves? To what obligations did the [illegible] extend? In what consisted the benefits of division?

N.B.—The first 12 questions are for the Degree. All the 18 questions for the Degree of [illegible].

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1868.

FRIDAY, APRIL 17TH :—4 P.M. TO 6 P.M., FOR DEGREE.—4 P.M. TO 7 P.M., FOR HONOURS.

ROMAN LAW.

FIRST YEAR.

Examiner.....PROF. TORRANCE.

1. State the component parts of the *Corpus Juris Civilis*, and give a brief account of each part.

2. Explain the different modes of manumitting slaves, and the restrictions imposed upon manumission.

3. What did the paternal power originally comprise, and to what extent and when was it modified ?

4. In what way was a Roman marriage made and dissolved ?

5. How was legitimation effected, and what were its effects as regards the children legitimized ?

6. How many kinds of tutorship were there ; explain each kind. What were the duties of the tutor before, during the pendency and at the termination of his office respectively ?

7. How many modes of acquisition were there, according to the law of nature, and explain each kind.

8. Explain each of the industrial accessions.

9. Explain the differences between usucapion and prescription? What were the new rules introduced by Justinian.

10. How many kinds of *peculia* of children were there ? Explain each kind.

11. Explain the quality and differences of heirs.

12. Give a short account of the history of legacies.

13. Give a short account of the different kinds of adoption.

14. Explain the different kinds of "*diminutio capitis.*"

15. State briefly the law as to "*Tutores suspecti.*" In what cases was there corporal punishment?

16. What were the opinions of the Roman Jurists on the question whether the substance formed should belong to the person forming it, or to the proprietor of the material? Which opinion did Justinian adopt?

17. What were the rights of the husband over the dotal property ?

18. Could a legatee, fidei-commissary, or testamentary tutor, be witness to a will by which he was named such legatee &c.

N.B.—The first 12 questions are for the *degree*. The whole of the questions for *Honour* course.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1884.

FRIDAY, APRIL 17TH:—9 A.M. TO 5 P.M., AND BETWEEN—5 P.M. TO 7 P.M., FOR MORNING.

ROMAN LAW.

FIRST YEAR.

Examiner.....Prof. Trenholme.

1. State the component parts of the Corpus Juris Civilis, and give a brief account of each part.

2. Explain the different modes of manumitting slaves, and the restrictions imposed upon manumission.

3. What did the patrimonial power originally comprise, and to what extent and when was it modified?

4. In what way was a Roman wedding made and dissolved?

5. How was legitimation effected, and what were its effects as regards the children legitimated?

6. How many kinds of tutorship were there; explain each kind. What were the duties of the tutor before, during the pupillary and at the termination of his office respectively?

7. How many modes of acquisition were there, according to the Law of nature, and explain each kind.

8. Explain each of the derivative acquisitions.

9. Explain the differences between usucapion and prescription? What were the new rules introduced by Justinian.

10. How many kinds of possession were there? Explain each kind.

11. Explain the quality and differences of bona.

12. Give a short account of the history of legacies.

13. Give a short account of the different kinds of adoption.

14. Explain the different kinds of "stipulatio emptio."

15. State briefly the law as to "Tutores, curatori." In what cases were curators permissible?

16. What were the opinions of the Roman Jurists on the question whether the substance Roman should belong to the person through fault or the proprietor of the material? What explain the Justinian rule?

17. What were the rights of the heirs over the dead property?

18. Define a legacy, fideicommissary, or testamentary trust, in what form is a will by which he was named and legates &c.

N.B.—The first 12 questions are for the day. The whole of the questions for former course.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1866.

THURSDAY, APRIL 5TH :-4 P.M. TO 6 P.M. FOR DEGREE ; 4 TO 7 P.M. FOR HONOURS.

ROMAN LAW.

SECOND YEAR.

Examiner,.....PROF. TORRANCE.

1. How many kinds of things *extra patrimonium* are there, and define each kind ?

2. When an island rises in the sea who is proprietor ? Whose is the proprietorship in the case of an island rising in a river ?

3. Explain *specificatio* and its effects on property ? If the *specificator* used the material of another, did the new article belong to the *specificator*, or to the proprietor of the raw material ?

4. How many kinds of real servitudes were there ? Explain fully each kind.

5. Define *usucapio.* — Explain its aim and consequences. What changes were introduced by Justinian ?

6. Define gifts *mortis causâ,—inter vivos,—ante nuptias.*

7. Define *peculium.*—How many kinds were there ? Explain each kind.

8. What were the original forms of wills at Rome ? What changes were made by Justinian ?

9. Who had the *testamenti factio ?*

10. How many kinds of legacies were there ? Explain each kind ?

11. Explain the *portio legitima ;*—the *lex falcidia ;*—the *Sctum trebellianum ;*—the *Sctum Pegasianum* ?

12. What were the primitive rules of succession *Ab intestato ?*

13. Explain shortly the *Sctum Tertullianum* and the *Sctum Orphitianum.*

14. Explain shortly the *possessio bonorum.*

15. Explain shortly the rules of succession introduced by the 118th and 127th Novels.

16. State briefly MAINE'S theory as to the early history of succession.

17. Narrate the early history of primogeniture as given by MAINE.

18. Give a few of the salient points of the early history of property as given by MAINE.

NOTA.—The twelve first questions, as numbered, are the ordinary examination.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1888.

THURSDAY, APRIL 5TH—1 P.M. TO 6 P.M. FOR PASSES; 4 TO 7 P.M. FOR HONORS.

ROMAN LAW.

SECOND YEAR.

Examiner.....Prof. Tunnacliffe.

1. How many kinds of things *extra patrimonium* are there, and define each kind?

2. When an island rises in the sea, who is proprietor? Where is the proprietorship in the case of an island rising in a river?

3. Explain *specificatio* and its effects on property? If the *specificator* used the material of another, did the new article belong to the *specificator*, or to the proprietor of the raw material?

4. How many kinds of real servitudes were there? Explain fully each kind.

5. Define *usucapio*.—Explain its aim and consequences. What changes were introduced by Justinian?

6. Define *gifts inter vivos*.—Their rules,—*ratio legis*.

7. Define *prescription*.—How many kinds were there? Explain each kind.

8. What were the original forms of wills at Rome? What changes were made by Justinian?

9. Who had the *testamenti factio*?

10. How many kinds of legacies were there? Explain each kind?

11. Explain the *portio legitima*;—the *ius relicti*;—the *Senatus consultum*;—the *Notae censoriae*?

12. What were the primitive rules of succession *ab intestato*?

13. Explain shortly the *Notae Tiberianae* and the *Senatus Consultum*.

14. Explain shortly the *praetorio bonorum*.

15. Explain shortly the rules of succession introduced by the 118th and 127th *Novels*.

16. State briefly Maine's theory as to the early history of succession.

17. Narrate the early history of primogeniture as given by Maine.

18. Give a few of the salient points of the early history of property as given by Maine.

NOTE.—The twelve first questions, as numbered, are the ordinary examination.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1866.

THURSDAY, APRIL 5TH :—4 P.M. TO 6 P.M. FOR DEGREE ; 4 TO 7 P.M. FOR HONOURS.

ROMAN LAW.

FIRST YEAR.

Examiner,.....PROF. TORRANCE.

1. Give some of the national characteristics of the ancient Romans, and some of the characteristics of their jurisprudence.

2. State the divisions into which the history of the Roman Law is generally made to fall, to whom we are indebted for the division, and describe some of the features of each division.

3. Give the origin of the *Lex Valeria*—the tribuneship—the *Lex Publilia.*

4. Give some account of the *jus scriptum—jus non-scriptum.*

5. State what you know of the jurists whose writings are found in the Digest.

6. Give some account of the works forming the *corpus juris civilis.*

7. Give the meaning of *jus—justitia—jurisprudentia—jus naturæ—jus gentium*—in the age of Justinian.

8. Explain how persons were made slaves and manumitted. Give an account of the restrictions imposed upon the manumission of slaves.

9. Explain *Cives—Latini—Italici—Provinciales.*

10. How was marriage made and dissolved ?

11. What persons could be legitimized and how ?

12. How many kinds of tutors were there ? Explain each kind.

13. Explain shortly "*satisdatio tutorum vel curatorum ;*" "*de excusationibus tutorum vel curatorum* ;" and tbe title "*de suspectis tutoribus vel curatoribus.*"

Examination on MAINE—ANCIENT LAW.

14. What is the difference between case law and code law ? What was the importance of codes to ancient societies ?

15. Explain how social necessities and opinions are always in advance of law, and by what agencies law is brought into harmony with society?

16. How does MAINE explain the origin of the phrases—Law of Nations, Law of Nature, and Equity ?

17. State the position in which he places Rousseau in relation to the modern law of nature.

18. What is MAINE'S theory as to the formation of primitive societies ?

NOTA.—The first 13 of the above questions are put for the ORDINARY examination. The whole of the above questions are put for the examination for HONOURS.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1888.

TUESDAY, APRIL 3rd.—10 A.M. to 2 P.M. for Degree; 3 to 7 P.M. for Honours.

ROMAN LAW.

FIRST YEAR.

Examiner, ... Prof. TOMKINS.

1. Give some of the national characteristics of the ancient Romans, and some of the characteristics of their jurisprudence.

2. State the divisions into which the history of the Roman Law is generally made to fall; to-whom we are indebted for the division, and describe some of the features of each division.

3. Give the origin of the Jus Publicum—the citizenship—the Jus Publicum.

4. Give some account of the jus naturale—jus non-scriptum.

5. State what you know of the jurists whose writings are found in the Digest.

6. Give some account of the works forming the corpus juris civilis.

7. Give the meaning of jus—jurisdictio—jurisprudentia—jus actionis—in the age of Justinian.

8. Explain how persons were made slaves and manumitted. Give an account of the restrictions imposed upon the manumission of slaves.

9. Explain Class—Latini—Status—Proximiores.

10. How was marriage made and dissolved?

11. What persons could be legitimized and how?

12. How many kinds of tutors were there? Explain each kind.

13. Explain shortly "actiones in rem vel corporales;" "de corporalibus interdictis vel corporalibus;" and the title "de superficiis interdictis vel corporalibus."

Examination on MAINE—ANCIENT LAW.

14. What is the difference between case law and code law? What was the importance of codes to ancient societies?

15. Explain how social necessities and opinions are always in advance of law, and by what expedite law is brought into harmony with society?

16. How does Maine explain the origin of the phrases—Law of Nations, Law of Nature, and Equity?

17. State the position in which he places Bentham in relation to the modern law of nature.

18. What is Maine's theory as to the formation of primitive societies?

NOTE.—The first 12 of the above questions are put for the ORDINARY examination. The whole of the above questions are put for the examination for Honours.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS.

MONDAY, APRIL 17TH:—4 TO 6 H. 20 M. P.M.

ROMAN LAW.

SECOND YEAR.

Examiner,.....PROF. F. W. TORRANCE.

1. Give the divisions of things *extra patrimonium*, and define each.

2. Define each of the industrial accessions.

3. How many kinds of tradition were there? Explain each. What were the conditions requisite to make tradition transfer property?

4. What was the difference between urban and rural servitudes? Give the principal examples of each.

5. What is the difference between *usucapion* and *prescription*? What were the rules of prescription adopted by Justinian?

6. Explain the different kinds of *dos*?

7. How many kinds of wills were there in the Roman Law? Explain each kind.

8. Give the rules respecting "exhæredatio."

9. In what ways were wills broken.

10. How many kinds of legacies were there? Explain each kind.

11. Explain the aim and extent of the *senatus consultum Tertullianum*, and *senatus consultum Orphitianum*.

12. Explain shortly the possessio bonorum.

13. State the purport of the 118th and 127th novels.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS.

January, April, 1879.—9 to 3 p. 30 m. p.m.

ROMAN LAW.

SECOND YEAR.

Examiner ..... Prof. T. W. Torrance.

1. Give the divisions of Ulpian's *Jus privatum*, and define each.

2. Define each of the substantial sovereignties.

3. How many kinds of tradition were there? Explain each. What were the evidences required to make tradition transfer property?

4. What was the difference between *usus* and *real servitudes*? Give the principal exceptions of each.

5. What is the difference between *acquisition* and *prescription*? What were the rules of prescription adopted by Justinian?

6. Explain the different kinds of *dot*.

7. How many kinds of wills were there in the Roman LAW? Explain each kind.

8. Give the rules regarding "*exheredatio*."

9. In what ways were wills broken.

10. How many kinds of legacies were there? Explain each kind.

11. Explain the *situs* and *extent* of the *mortis causa* Praetorian, and *mortis causa* Imperial Codicils.

12. Explain shortly the *praesumptio bonorum*.

13. Give the purport of the 118th and 127th novels.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1865.

MONDAY, APRIL 17TH:—4 TO 6 H. 20 M. P.M.

ROMAN LAW.

FIRST YEAR.

Examiner,.....PROF.. F. W. TORRANCE.

1. Into how many periods is the history of the Roman Law usually divided, and to whom are we indebted for the division?

2. Relate the incidents of the first origin of the tribunes of the people, and give the date when the tribuneship arose.

3. Enumerate the sources of the jus non-scriptum, and shortly explain each.

4. Name the great jurists of the golden age of the Roman jurisprudence, and narrate anything you know of their lives.

5. Explain the meaning of the expressions "Institutes," "Digest," "Code," and "Novels," and give a brief account of each.

6. Define "jus," "jurisprudentia," "Justitia," "jus publicum," "jus privatum," "jus civile," "jus gentium," in the Roman Law.

7. Enumerate and explain the modes of manumission of slaves.

8. What was comprehended in the "patria potestas," and how was it dissolved?

9. How many modes of marriage were there among the Romans? Explain shortly each mode, and enumerate the impediments to a marriage.

10. What was legitimation, and explain in what ways it was effected in the Roman Law?

11. How many kinds of "tutela" were there? explain briefly in what cases they took place.

12. What was the duty of the tutor before, during, and after his gestion of his office?

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1891.

Monday, April 13th—4 to 6 p. m. 30 p. m.

ROMAN LAW.

FIRST YEAR.

Examiner,.....Prof. F. W. Topham.

1. Into how many periods is the history of the Roman Law usually divided, and to whom are we indebted for the division?

2. Relate the legendary of the first origin of the tribunes of the people, and give the date when the tribunesship arose.

3. Enumerate the sources of the jus non-scriptum, and shortly explain each.

4. Name the great jurists of the golden age of the Roman jurisprudence, and narrate anything you know of their lives.

5. Explain the meaning of the expressions "legislator," "lex," "leges," and "Novels," and give a brief account of each.

6. Define "jus," "jurisprudentia," "justitia," "jus publicum," "jus privatum," "jus civile," "jus gentium," in the Roman Law.

7. Enumerate and explain the modes of acquisition of slaves.

8. What was comprehended in the "patria potestas," and how was dissolved?

9. How many modes of marriage were there among the Romans? Explain shortly each mode, and enumerate the impediments to a marriage.

10. What was legitimation, and explain in what ways it was effected in the Roman Law?

11. How many kinds of "tutela" were there? explain briefly in what cases they took place.

12. What was the duty of the tutor before, during, and after his tutelage of his ward?

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1864.

THURSDAY, APRIL 14th :—4 P.M. TO 7 P.M.

ROMAN LAW.

FIRST YEAR.

Examiner,.....PROF. F. W. TORRANCE.

1. Give an account of the origin of the tribuneship at Rome.

2. How many kinds of prætorian edicts were there? Define each.

3. Who were Antistius Labeo, Ateius Capito, Gaius, Papinianus, 'aulus, Ulpianus, Modestinus?

4. Give a short account of the following works of Justinian—the ›igest, Code, Institutes, and Novels.

5. Define law, *jurisprudentia*, *jus*, *justitia*.

6. How were persons made slaves?

7. Give the different modes of manumission with a brief explanation f each mode.

8. What do you understand by consanguinity and affinity, and what 'ere the general rules prohibiting marriages for consanguinity and affi- ity?

9. What were the different forms of marriage among the Romans.

10. How many kinds of illegitimate children were there, and how 'ere children legitimized.

11. How many kinds of tutors were there and in what cases was each ind appointed?

12. What were the tutor's first duties on taking office?

13. In what ways was the tutorship terminated?

14. What were the excuses exonerating from the charge?

15. For what causes could a tutor be deprived of his office?

SECOND YEAR.

1. Enumerate and define things *extra patrimonium.*

2. Give the industrial accessions and explain each kind.

3. Distinguish between *res mancipi*, and *res nec—mancipi.*

4. What do you understand by rural and urban servitudes. Enumerate the principal ones, and shortly explain each.

5. Distinguish between usucapion and prescription before Justinian, and state the changes made by him in the law in this respect.

6. Explain the *donatio ante nuptias* and the *dos.*

7. Name the different *peculia*, and give their significations, and history.

8. What were the formalities of the written will under Justinian?

9. To what extent was the verbal will admitted?

10. Name the ordinary divisions of the *hæreditas.*

11. What was the pupillary substitution?

12. In what ways was a will broken?

13. Define the *hæredes necessarii; sui et necessarii; extranei.*

14. Anciently, how many kind of legacies were there? name and define each kind.

15. Explain the *Lex Falcidia* and the *Sctum Trebellianum.*

16. What was the *possessio bonorum*, and in what cases was it given?

17. Give the rules of succession introduced by the 118th and 127 Novels.

Faculty of Law.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1862.

TUESDAY, APRIL 22ND, 4 P.M. TO 6 P.M.

ROMAN LAW.

FIRST YEAR.

Examiner, ... PROF. F. W. TORRANCE.

1. Explain the meaning, in the jurisprudence of Justinian, of the expressions, "The Digest," "The Institutes," "The Code," and "The Novels;" and give a short account of each.

2. Shortly explain the expressions, "jus publicum," "jus privatum," "jus scriptum," "jus non scriptum."

3. Explain the different modes of manumission of slaves among the Romans.

4. Give an account of the different restrictions imposed upon the unlimited power of manumission of slaves.

5. What did the power of the Roman father over his child consist in; and how was it dissolved?

6. Give the history of the "dos" of the wife.

7. How was the Roman marriage made and dissolved?

8. Explain the different kinds of illegitimate children. How was legitimation effected?

9. How many kinds of tutors were there? Explain each shortly. What were the duties of the tutor, before, during, and after his gestion?

10. In what cases was a "curator" appointed?

11. In what cases did the tutor and curator give security? Is there any, and what, protection provided by our law to the minor, in relation to his tutor?

12. In what cases did the offices of tutor and curator terminate?

Faculty of Law.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, APRIL, 1862.

TUESDAY, APRIL 22ND, 4 P.M. to 6 P.M.

ROMAN LAW.

SECOND YEAR.

Examiner,.....PROF. F. W. TORRANCE.

1. How many kinds of "res" *extra patrimonium* were there? Define each kind, and give examples.

2. Among which of the modes of acquiring property, are "occupatio," "accessio," and "traditio," ranged?

3. Explain fully the different divisions and kinds of accession and tradition, giving examples.

4. What were the opinions of Roman jurisconsults with regard to the question, whether the substance formed should belong to the person forming it, or to the proprietor of the material? Which opinion did Justinian adopt?

5. What conditions required to be complied with, in order to transfer property?

6. What was the difference between rural and urban servitudes?

7. What were the conditions necessary, in order to acquire by "usucapio"?

8. What were the rules of prescription adopted by Justinian?

9. What were the rights of the husband over the dotal property?

10. Name the different "*peculia*" of children, and explain their differences.

11. What were the primitive forms of wills at Rome? What were the forms under Justinian?

12. Could a legatee, fidei-commissary, or a testamentary tutor, be a witness to a will by which he was named?

Faculty of Law.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, APRIL, 1891.

TUESDAY, 28TH, 8 P.M. TO 11 P.M.

ROMAN LAW.

SECOND YEAR.

Examiner,.....Prof. F. W. Terrance.

1. How many kinds of "res" (civil persons) were there? Define each kind, and give examples.

2. Among which of the modes of acquiring property are "occupatio" "accessio," and "traditio," ranged?

3. Explain fully the differences between kinds of possession and traditio, giving examples.

4. What were the opinions of Roman jurisconsults with regard to the question, whether the substance formed should belong to the person forming it, or to the proprietor of the material? Which opinion did Justinian adopt?

5. What conditions required to be complied with, in order to acquire property?

6. What was the difference between usucapio and usus auctoritas?

7. What were the conditions necessary, in order to acquire by "usucapio"?

8. What were the rules of prescription adopted by Justinian?

9. What were the rights of the husband over the dotal property?

10. Name the different "personae" or children, and explain their differences.

11. What were the primitive forms of will at Rome? What was the form under Justinian?

12. Could a legatee, fideicommissary, or a testamentary owner, be a witness to a will by which he was named?

UNIVERSITY

OF

M^c^GILL COLLEGE,

MONTREAL.

SESSIONAL EXAMINATIONS, APRIL, 1861.

WEDNESDAY, APRIL 17TH.—4 P.M. TO 6 P.M.

ROMAN LAW.

THIRD YEAR.

Examiner, ...F. W. TORRANCE, Prof.

1. State the order in which successions *ab intestato* descended.

2. What were the aim and scope of the *Lex Voconia*, the *Sctum Tertullianum*, and *Sctum Orphitianum*.

3. What were the aim and scope of the 118th and 127th Novels? Give some points of resemblance and difference between their provisions and the rules of our own customary law in the same matter.

4. What was meant by "*possessio bonorum?*" Enumerate its different kinds, and explain them.

5. Explain the rule referred to in the expression "*unde vir et uxor.*" Is there such a provision in our law?

6. Give the meaning of "*collatio bonorum*" and "*jus accrescendi*" among co-heirs.

7. What are the divisions of contracts in relation to their manner of formation? Explain each division.

8. Give the divisions of nominate real contracts, explaining each division.

9. What are verbal obligations?

10. Who were the *fidejussores*, and what *beneficia* could they invoke?

11. In what ways were obligations extinguished in the Roman law?

12. Explain the different kinds of quasi-contracts.

13. What is a delit? Quasi-delit?

14. Give the different kinds of *furtum*.

15. What were the provisions of the *Lex Aquilia*?

UNIVERSITY

OF

McGILL COLLEGE,

MONTREAL.

SESSIONAL EXAMINATION, APRIL, 1861.

WEDNESDAY, APRIL 17.—4 P.M. TO 6 P.M.

ROMAN LAW.

SECOND YEAR.

Examiner, ...F. W. TORRANCE, Prof.

1. Explain *res mancipi* and *nec mancipi*.

2. To whom belongs, in this jurisprudence, the proprietorship of the banks of public rivers?

3. State the different modes of acquiring property by the *jus gentium*, and explain each in detail.

4. What do you understand by *usucapio* and *præscriptio?* Explain each fully, and give a short explanation of our own law in the same matter.

5. Explain urban and rural servitudes, and their differences. Give examples of each. Enumerate the different personal servitudes, and explain each.

6. Give an explanation of the *peculium* of a son, and state the progress and final position of the Roman jurisprudence in this matter.

7. What were the forms of wills in use among the Romans? Trace the progress of the jurisprudence.

8. What were the rules with respect to "*exhæredationes*" and "*institutiones hæredum*"?

9. State the divisions of substitutions, and shortly explain each.

10. Into how many parts was a "*hæreditas*" divided? Give the Latin names of the different parts.

11. State the different classes of heirs, and explain each.

12. How many kinds of legacies were there in the Roman law? Give their meaning and history.

13. Give an account of the *Lex Falcidia; Sctum Trebellianum;* and *Sctum Pegasianum.*

14. What is the meaning of "*dies cedit*" and "*dies venit*" in relation to legacies, and of the "*regula Catoniana?*"

UNIVERSITY

OF

M^c^GILL COLLEGE,

MONTREAL.

SESSIONAL EXAMINATION, 1861.

WEDNESDAY, APRIL 17th.—4 P.M. 6 to P.M.

ROMAN LAW.

FIRST YEAR.

Examiner, ...F. W. TORRANCE, Prof.

1. Explain *jus naturale, jus gentium, jus civile, jus honorarium.*

2. Give the different modes of manumission, and shortly explain each mode.

3. Explain the *lex Ælia Sentia*, and the *lex Fusia Caninia.*

4. In what did the paternal power consist, and how was it modified in course of time?

5. How many modes were there of forming the marriage tie among the Romans? Explain each.

6. What were the impediments to a just marriage?

7. Give the rules for computing the degrees of consanguinity

8. In what ways was legitimation effected? Explain each way.

9. Explain fully adoption.

10. How many kinds of "*tutela*" were there? Explain each kind.

11. Explain *capitis deminutio.*

12. In how many different ways did the "*tutela*" terminate?

13. Explain shortly "*satisdatio tutorum vel curatorum;*" "*excusationes tutorum vel curatorum;*" and the title "*de suspectis tutoribus vel curatoribus.*

UNIVERSITY

M'GILL COLLEGE,

MONTREAL.

SESSIONAL EXAMINATION, 1901.

Wednesday, April 17th—2 P.M. to 5 P.M.

ROMAN LAW.

First Year.

Examiner, ...F. W. Thomas, Esq.

1. Explain the nature, the creation, the media juris Sacrum Imperii.

2. Give the different modes of manumission, and shortly explain each mode.

3. Explain the lex Aelia Sentia, and the lex Junia Claudia.

4. In what did the paternal power consist, and how was it modified in course of time?

5. How many modes were there of forming the marriage, the mode in the Decemviri? Explain each.

6. What were the impediments to a just marriage?

7. Give the rules for computing the degrees of consanguinity.

8. In what ways was legitimation effected? Explain each way.

9. Explain fully adoption.

10. How many kinds of "tutela" were there? Explain each kind.

11. Explain capitis deminutio.

12. In how many different ways did the "tutela" terminate?

13. Explain shortly "actiones in factum conceptae", "actiones utiles", "actiones in factum ex quasi-delicto" and the title "de aquaria cotidiana et aestiva".

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

WEDNESDAY, MARCH 6TH.—4 TO 6 P.M., FOR DEGREE;

6 TO 7 P.M., FOR HONOURS.

LEGAL HISTORY.

FIRST YEAR.

Examiner.....PROF. LAFRENAYE.

1. Quelle était la différence entre les Pays coutumiers, et les Pays de droit écrit sous l'empire de l'ancien droit français?

2. Quelle était la coutume en force, en Bas-Canada, avant le Code, à quelle époque et comment a-t-elle été introduite?

3. Quelles étaient les sources du droit Civil en Bas-Canada, avant le Code?

4. Comment les ordonnances des Rois de France devenaient-elles en force et indiquez-en quelques-unes?

5. Qu'entendez-vous par les Edits et Ordonnances en Canada avant la conquête.

6. De quel Parlement suivons-nous la jurisprudence et pour quelle raison?

7. Qu'entendez-vous par un arrêt de règlement?

8. Par quelle loi a été introduit le procès par jury au Civil?

9. Citez quelques parties du droit Romain qui ont été introduites dans la jurisprudence française?

10. Quelles sont les principales parties du droit Anglais qui nous régissent au Civil en cette Province?

11. Quel est l'édit qui a statué en premier lieu sur la rébellion à justice?

12. Quelles sont les ordonnances qui ont été enrégistrées au Conseil Supérieur de Québec?

The first 8 questions are for the Degree; the whole of the questions for Honour course.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

Wednesday, March 6th.—4 to 6 P.M., for Degree;

6 to 7 P.M., for Honors.

LEGAL HISTORY.

FIRST YEAR.

Examiner.....PROF. LAFRENAYE.

1. Quelle était la différence entre les Pays coutumiers, et les Pays de droit écrit sous l'empire de l'ancien droit français ?

2. Quelle était la coutume en force, en Bas-Canada, avant le Code, à quelle époque et comment a-t-elle été introduite ?

3. Quelles étaient les sources du droit Civil en Bas-Canada, avant le Code ?

4. Comment les ordonnances des Rois de France devenaient-elles en force et indiques en quelques-unes ?

5. Qu'entendez-vous par les Edits et Ordonnances en Canada avant la conquête.

6. De quel Parlement suivons-nous la jurisprudence et pour quelle raison ?

7. Qu'entendez-vous par un arrêt de réglement ?

8. Par quelle loi a été introduit le procès par jury au Civil ?

9. Citez quelques parties du droit Romain qui ont été introduites dans la jurisprudence française ?

10. Quelles sont les principales parties du droit Anglais qui nous régissent au Civil en cette Province ?

11. Quel est l'édit qui a statué en premier lieu sur la rébellion à justice?

12. Quelles sont les ordonnances qui ont été enregistrées au Conseil Supérieur de Québec?

The first 8 questions are for the Degree; the whole of the questions for Honour course.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1866.

WEDNESDAY, APRIL 4TH :—4 TO 6 P.M.

SECOND YEAR.

Examiner,.....PROF. LAFRENAYE, B.C.L.

1. Quels sont les principaux commentateurs de la coutume de Paris ?

2. Quels sont les principaux commentateurs des ordonnances ?

3. Quels sont les arrêtistes du Parlement de Paris, du Chatelet, et de la Cour de Cassation ?

4. Quels sont les meilleurs ouvrages à consulter sur la bibliographie du droit ?

5. Quelles sont les meilleures publications qui ont paru sur la science du droit ?

6. Quels sont les auteurs qui ont traité *ex professo* des substitutions ?

7. Quels sont les principaux traités sur l'ensemble du droit français ?

8. Quels sont les auteurs à consulter sur les preuves, tant dans le droit anglais que dans le droit français ?

9. Quels sont les principaux ouvrages du droit anglais que nous consultons sur l'ensemble de ce droit ?

10. Quels sont les auteurs qui ont traité des billets et lettres de change, sous l'empire de ces deux droits ?

11. Quels sont les commentateurs du code Napoléon que nous consultons sur les parties de ce code qui ont reproduit l'ancien droit ?

12. Donnez une notice bibliographique des auteurs les plus accrédités sur les parties principales du droit anglais et français ?

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1892.

Wednesday, April 6th,—4 to 6 p.m.

FRENCH TEXT.

Examiner.....Prof. BARNRATE, D.C.L.

1. Quels sont les principaux commentateurs de la coutume de Paris?

2. Quels sont les principaux commentaires des ordonnances?

3. Quelles sont les attributs du Parlement de Paris du Châtelet et de la Cour des Comptes?

4. Quels sont les traitées auxquels se rattache la bibliographie du droit?

5. Quelles sont les traitées publiées qui ont pour sujet la science du droit?

6. Quels sont les ouvrages qui ont traité le progrès des substitutions?

7. Quelles sont les principaux traités sur l'assemblée du droit français?

8. Quels sont les auteurs à consulter sur les preuves, tant dans le droit anglais que dans le droit français?

9. Quels sont les principaux ouvrages du droit anglais que nous consulterons sur l'assemblée de droit?

10. Quels sont les auteurs qui ont traité des délits et lettres de cachet, avec l'origine de ces deux droits?

11. Quels sont les commentaires du code Napoléon que nous consulterons pour la partie de ce code qui concerne l'ancien droit?

12. Donnez une notice bibliographique des auteurs les plus accrédités sur les matières principales du droit anglais et français?

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1866.

WEDNESDAY, APRIL 4TH:—4 TO 6 P.M.

FIRST YEAR.

Examiner,.....PROF. LAFRENAYE, B.C.L.

1. En quoi consistait la distinction entre les pays de droit écrit et les pays coutumiers en France?

2. Quelle est la coutume que nous suivons en Bas-Canada, et quels sont les principaux titres qui ont été abrogés?

3. Quelles sont les ordonnances qui ont aboli la preuve testimoniale des conventions dont la valeur excède cent livres ancien cours?

4. Qu'entendez-vous par la jurisprudence des arrêts et citez quelques arrêts qui reposent sur le droit romain?

5. Comment furent introduites, en Bas-Canada, les règles de témoignage prescrites par les lois anglaises dans les affaires de commerce et quelles furent les questions controversées qui s'en suivirent?

6. Qnels sont les changements apportés par l'acte de 1801 sur les testaments?

7. Quelles sont les dispositions du Statut des Fraudes, suivies en Bas-Canada?

8. Quelles sont les parties du Droit Anglais qui nous régissent en Bas-Canada?

9. Quelle est l'utilité de connaître les décisions principales, *leading cases*, dans le droit anglais?

10. Quelles sont maintenant les dispositions de notre législation sur les preuves, *on evidence?*

11. Quels étaient les principaux tribunaux en France, avant la Révolution, dont nous suivons la jurisprudence?

12. Quelles sont les principales cours de justice en Angleterre, dont nous suivons les décisions?

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1886.

Wednesday, April 14th—4 to 6 p.m.

FIRST YEAR.

Examiner,.....Prof. LAFLEUR, B.C.L.

1. En quoi consiste la distinction entre les pays de droit écrit et les pays coutumiers en France?

2. Quelle est la coutume que nous suivons en Bas-Canada, et quels sont les principaux titres qui ont été abrogés?

3. Quelles sont les ordonnances qui ont établi la preuve testimoniale des conventions dont la valeur excède cent livres sterling, cours?

4. Distinguez-vous par la jurisprudence des Arrêts et autres quelques arrêts qui reposent sur le droit commun?

5. Comment furent introduites en Bas-Canada, les règles de réciprocité prescrites par les lois anglaises dans les affaires de commerce et quelles furent les principales controverses qui s'en suivirent?

6. Quels sont les changements apportés par l'acte de 1861 sur les testaments?

7. Quelles sont les dispositions du Statut des Fraudes, suivies en Bas-Canada?

8. Quelles sont les parties du droit Anglais qui nous régissent en Bas-Canada?

9. Quelle est l'utilité de connaître les décisions principales, jadis cours, dans le droit anglais?

10. Quelles sont maintenant les dispositions de notre législation sur les preuves, en criminel?

11. Quels étaient les principaux tribunaux en France, avant la Révolution, lorsque nous suivions la jurisprudence?

12. Quelles sont les principales cours de justice en Angleterre, dont nous suivons les décisions?

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1865.

WEDNESDAY, APRIL 12TH:—4 TO 7 P.M.

BIBLIOGRAPHIE.

SECOND YEAR.

Examiner, ... PROFESSOR LAFRENAYE.

1. Quels sont les meilleurs commentateurs de la coutume de Paris ?

2. Quels sont les meilleurs arrêtistes du Parlement de Paris ?

3. Quels sont les principaux commentateurs sur les ordonnances des Rois de France ?

4. Quels sont les auteurs les plus accrédites sur le droit français ?

5. Quels sont les auteurs qui ont traité *ex professo* du droit commercial, tant anglais que français ?

6. Quels sont les principaux ouvrages qui traitent de la procédure ?

7. Quels ouvrages devons-nous consulter sur les différentes parties du droit anglais en force en Bas-Canada ?

8. En vertu de quelle loi et dans quels cas la preuve, suivant les formes admises, quant aux témoignages, par les lois anglaises, a-t-elle été exigée et quels sont les auteurs à consulter sur les preuves *on evidence ?*

9. Dans quels cas les procès par jurés peuvent-ils avoir lieu au Civil, et quels sont les auteurs à consulter sur cette matière ?

10. Quelles sont les différentes formes de tester en Bas-Canada ; quelles lois et quels auteurs devons-nous suivre à cet égard ?

11. Qu'entendez-vous par l'*Habeas corpus ad subjiciendum*, et quel droit suivons-nous sur ce sujet ?

12. En quelles circonstances pouvons-nous citer des autorités des commentateurs du Code Napoléon ?

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1885.

Wednesday, April 15th:—4 to 7 p.m.

METAPHYSICS.

SECOND YEAR.

Examiner, ... Professor Lagueux.

1. Quels sont les meilleurs commentaires de la coutume de Paris?

2. Quels sont les meilleurs arrêtistes de Parlement de Paris?

3. Quels sont les principaux commentateurs sur les ordonnances des Rois de France?

4. Quels sont les auteurs les plus accrédités sur le droit français?

5. Quels sont les auteurs qui ont traité ex professo du droit commercial, tant anglais que français?

6. Quels sont les principaux ouvrages qui traitent de la procédure?

7. Quels ouvrages devons-nous consulter sur les différentes parties du droit anglais en force en Bas-Canada?

8. En vertu de quelle loi et dans quels cas la preuve, suivant les formes anglaises, quant aux témoignages, par les lois anglaises, a-t-elle été exigée et quels sont les auteurs à consulter sur les preuves en évidence?

9. Dans quels cas les procès par jurés peuvent-ils avoir lieu en Civil, et quels sont les auteurs à consulter sur cette matière?

10. Quelles sont les différentes formes de tester en Bas-Canada; quelles loi et quels auteurs devons-nous suivre à cet égard?

11. Qu'entendez-vous par l'Habeas corpus ad subjiciendum, et quel droit suivons-nous sur ce sujet?

12. En quelles circonstances pouvons-nous citer des autorités des commentateurs du Code Napoléon?

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1865.

WEDNESDAY, APRIL 12TH:—4 TO 7 P.M.

COUTUMES, ORDONNANCES, &c.

FIRST YEAR.

Examiner.....PROFESSOR LAFRENAYE.

1. Quelles sont les principales sources du droit français ?

2. Quelles sont les principales modifications apportées à la coutume de Paris par nos lois Statutaires ?

3. Quels sont les effets de la séparation de biens entre époux suivant les articles 224 et 234 de la coutume de Paris ?

4. Quels sont les effets de l'exclusion de communauté ?

5. Quels sont les biens qui n'entrent pas dans la communauté, conformément au titre 10 de la coutume ?

6. Quelles sont les principales dispositions du titre 11 de la coutume de Paris sur les douaires ?

7. Quelles sont les principales dispositions du titre 12 de la coutume sur les donations ?

8. Quelles sont les principales dispositions du titre 14 sur les testaments ?

9. Quelles sont les différentes règles des successions suivant le titre 15 de la coutume ?

10. En vertu de quelle formalité les ordonnances des Rois de France devenaient-elles en force ?

11. Quelles sont les ordonnances qui ne sont pas en force dans ce pays ?

12. Qu'entendez-vous par la jurisprudence des arrêts ?

BIBLIOGRAPHIE.

1. Quels sont les meilleurs commentateurs de la coutume de Paris ?

2. Quels sont les meilleurs arrêtistes du Parlement de Paris ?

3. Quels sont les principaux commentateurs sur les ordonnances des Rois de France ?

4. Quels sont les auteurs les plus accrédités sur le droit français ?

5. Quels sont les auteurs qui ont traité *ex professo* du droit commercial, tant anglais que français ?

6. Quels sont les auteurs qui ont écrit des traités sur la preuve, *on evidence ?*

7. Quels sont les principaux ouvrages qui traitent de la procédure ?

8. Quels ouvrages devons nous consulter sur les différentes parties du droit Anglais en force en Bas-Canada ?

9. Quels auteurs tant anglais que français devons nous suivre quant aux testaments ?

10. Quels sont les principaux commentateurs du code Napoléon ?

11. Sous quel rapport pouvons nous consulter les ouvrages qui ont été écrits sur ce code ?

12. Quels sont les receuils périodiques qui traitent du droit civil ?

THIRD YEAR.

LOUAGE, CAUTIONNEMENT, &c.

1. Qu'est-ce que le contrat de louage?

2. Quelles sont les modifications apportées à ce contrat par les lois statutaires?

3. Quelle est l'étendue du droit de saisie-gagerie?

4. Donnez un exposé des dispositions de la clause seize du statut des locateurs et locataires.

5. Définissez la nature du contrat de dépôt?

6. Quelle est la différence entre la contrainte par corps et le *contempt of court?*

7. Qu'entend-on par jugement *d'iterato?*

8. Expliquez la nature et l'étendue du cautionnement et ses effets?

9. Quelles sont les obligations de la caution judiciaire?

10. Indiquez les diverses espèces de séquestre?

11. Quelles sont les conséquences de la rébellion à justice?

12. Quels sont les procédés à adopter contre un gardien qui ne représente pas les effets confiés à sa garde.

Faculty of Arts.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1862.

WEDNESDAY, APRIL 23RD.—4 TO 6 P. M.

COUTUMES, ORDONNANCES, &c.

FIRST YEAR.

Examiner,.....PROFESSOR LA FRENAYE.

1. Quelle était la différence en France entre les pays coutumiers et les pays de droit écrit, et quelle est la nécessité d'établir cette distinction en Bas-Canada?

2. En quelle année la Coutume de Paris fut-elle rédigée par écrit, et en quelle année fut-elle réformée, et comment fut-elle introduite dans le pays?

3. Pourquoi suivons-nous la jurisprudence du parlement de Paris?

4. Quelle était la formalité essentielle à suivre pour donner force de loi aux ordonnances des rois de France?

5. Qu'entendez-vous par le conseil supérieur de Québec, et définissez ses pouvoirs?

6. Quelle est la division des biens apportée par la coutume, et indiquez les différentes sortes et espèces de biens qu'elle reconnait?

7. Quelles sont les différentes prescriptions établies par la coutume de Paris?

8. Donnez un aperçu du titre 5 de la coutume, concernant les actions personnelles et d'hypothèque.

9. Quel est l'effet de la séparation de biens entre conjoints, d'après les différents articles du titre 10 de la coutume?

10. Définissez les devoirs et les fonctions des experts dont il est question en l'article 184 de la coutume.

11. Donnez la forme et division des testaments, suivant l'article 289 du titre 14 de la coutume.

12. Quelles sont les principales modifications apportées à la coutume de Paris par nos lois statutaires?

Faculty of Arts.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1862.

WEDNESDAY, APRIL 23RD.—4 TO 6 P. M.

BIBLIOGRAPHIE ET STATUTS.

SECOND YEAR.

Examiner,.....PROFESSOR LA FRENAYE.

I. Quels sont les auteurs qui ont commenté la coutume de Paris, tant l'ancienne que la nouvelle ?

2. Quels sont les auteurs qui ont recueilli les arrêts du Parlement de Paris, et du Châtelet de Paris ?

3. Quels sont les principaux auteurs qui ont traité du droit commercial, et que nous devons consulter ?

4. Quels sont les meilleurs auteurs qni ont commenté les ordonnances des rois de France ?

5. Quels sont les auteurs les plus accrédités sur le droit civil français ?

6. Quels sont les auteurs à consulter en matière d'injures ou de libelle ?

7. Quels sont les auteurs que nous devons consulter sur la preuve ; *on evidence ?*

8. Quels sont les auteurs qui ont traité de la procédure ?

9. Quels sont les auteurs que nous consultons le plus fréquemment sur les différentes parties du droit anglais en force en Bas-Canada, comme les writs de prérogative, le procès par jury au civil, etc. ?

10. Quels sont les différents auteurs à consulter sur les testaments ?

11. Quelles sont les principales dispositions de l'ordonnance de 1785 ?

12. Quelles sont les principales dispositions du statut établissant les bureaux d'enregistrement ?

Faculty of Arts.

McGILL COLLEGE, MONTREAL.

PROVINCIAL EXAMINATIONS 1895.

WEDNESDAY, 4TH JULY.—4 TO 7 P. M.

HISTORY AND CIVICS.

SECOND YEAR.

Examiner, ... Professor La Fleur.

1. Quels sont les auteurs qui ont commencé la centrale de Paris, vous rappelant que la nouvelle?

2. Quels sont les auteurs qui ont recueilli les arrêts du Parlement de Paris, et du Directeur de Paris?

3. Quels sont les principaux auteurs qui ont traité de droit commercial et que nous devons consulter?

4. Quels sont les auteurs qui ont contribué les ordonnances des rois de France?

5. Quels sont les auteurs les plus accrédités sur le droit civil français?

6. Quels sont les auteurs à consulter en matière d'hypothèques et de la vente?

7. Quels sont les auteurs que nous devons consulter sur le droit criminel?

8. Quels sont les auteurs qui ont traité de la procédure?

9. Quels sont les auteurs que nous consulterons plus spécialement sur les différentes parties du droit anglais en force en Canada, comme les actes de procédure, le procès par jury en civil, etc.?

10. Quels sont les différents auteurs à consulter sur les testaments?

11. Quelles sont les principales dispositions de l'ordonnance de 1731?

12. Quelles sont les principales dispositions de statut établissant les bureaux d'enregistrement?

UNIVERSITY

OF

McGILL COLLEGE,

MONTREAL.

SESSIONAL EXAMINATION, 1861.

THURSDAY, APRIL 18TH.—4 P. M. TO 6 P. M.

BIBLIOGRAPHIE, &c.

SECOND YEAR.

Examiner.....PROFESSOR LAFRENAYE.

1. Quels sont les principaux commentateurs de la Coutume de Paris ?

2. Quels sont les principaux arrêtistes du Parlement de Paris ?

3. Quels sont les principaux auteurs qui ont traité, *ex professo*, diverses branches du droit Français sous l'ancien régime ?

4. Quelles sont les différentes parties du Droit Anglais qui nous régissent au civil ?

5. Quels sont les principaux auteurs qui ont traité ces différentes parties du Droit Anglais, et que nous consultons le plus fréquemment ?

6. Avons-nous un Statut de Limitations, et si c'est le cas, quelles sont ses principales dispositions ?

7. Par quelle loi a été introduite en ce pays le procès par jurés en matière civile ?

8. Quels sont les auteurs que nous devons consulter sur les prccès par jurés au civil ?

9. En vertu de quelle loi un writ de capias ad respondendum peut-il émaner ?

10. Quelles sont les principales dispositions du Statut de 1801 sur les testaments ?

UNIVERSITY

OF

McGILL COLLEGE,

MONTREAL.

SESSIONAL EXAMINATION, 1891.

THURSDAY, APRIL 16TH.—4 P. M. TO 6 P. M.

PHILOCOMPHIN, A.

SECOND YEAR.

Examiner.....PROFESSOR LAFERRIERE.

1. Quels sont les principaux commentaires de la Coutume de Paris ?

2. Quels sont les principaux arrêtistes de Parlement de Paris ?

3. Quels sont les principaux auteurs qui ont traité, ex professo, diverses branches du droit Français sous l'ancien régime ?

4. Quelles sont les différentes parties du Droit Anglais qui nous régissent au civil ?

5. Quels sont les principaux auteurs qui ont traité ces différentes parties du Droit Anglais, et que nous connaissons le plus fréquemment ?

6. Avez-nous un Statut de Limitations, et si c'est le cas, quelles sont ses principales dispositions ?

7. Par quelle loi a été introduite en ce pays la preuve par jurés en matière civile ?

8. Quels sont les auteurs que nous devons consulter sur les procès par jurés en civil ?

9. En vertu de quelle loi un writ de capias ad respondendum peut-il émaner ?

10. Quelles sont les principales dispositions du Statut de 1891 sur les testaments ?

11. Par quelle loi la majorité se trouve-t-elle fixée à 21 ans dans ce pays ?

12. Qu'entendez-vous par writs de prérogative, et quels sont les auteurs à consulter sur leur exercice ?

13. Comment une hypothèque peut-elle maintenant être constituée en ce pays, et conformément à quelle loi ?

UNIVERSITY

OF

McGILL COLLEGE,

MONTREAL.

SESSIONAL EXAMINATIONS, APRIL, 1861.

THURSDAY, APRIL 18th.—4 P.M. TO 6 P.M.

COUTUMES, ORDONNANCES, &c.

FIRST YEAR.

Examiner,.....PROFESSOR LAFRENAYE.

1. Par quelle coutume sommes nous régis, et comment a-t-elle été introduite dans le pays ?

2. Par la jurisprudence de quel Parlement sommes nous régis ?

3. Quelles sont les différentes lois qui nous régissent dans le Bas-Canada ?

4. Quelles sont les Ordonnances des Rois de France qui sont en force dans le Bas-Canada ?

5. Quelles sont les différentes parties de la Coutume qui ont été abolies par nos Lois Statuaires ?

6. Quelles sont les principales dispositions de la Coutume sur les prescriptions ?

7. Quelle est l'époque de la création du Conseil Supérieur de Québec ?

8. Qu'entendez-vous par le Chatelet de Paris ?

9. Citez quelques arrêts du Conseil d'état du roi en force dans le Bas-Canada.

10. Qu'entendez-vous par la jurisprudence des arrêts ?

11. Pourquoi certaines Ordonnances des rois de France, depuis la création du conseil supérieur de Québec, ne sont-elles pas en force dans le Bas-Canada ?

12. Quel est l'effet de la loi "unde vir et uxor" ?

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SPECIAL EXAMINATION FOR THE ELIZABETH TORRANCE MEDAL, 1872.

MONDAY, MARCH 18th :—4 TO 7 P.M.

COMMERCIAL LAW.

Examiner, ... PROFESSOR WURTELE, B.C.L.

OBLIGATIONS.

1. What is the effect of a contract concerning goods of which the importation is prohibited ? Give the reasons.

2. When can the fulfilment of an obligation be demanded ? And what is a natural term ?

PARTNERSHIP.

3. What effect has the omission to make a declaration on the partnership ? To what does such omission subject the partners? And what effect has the omission to mention a partner in the delaration, with respect to the partners themselves, and with respect to third persons ?

4. When are partners liable for obligations contracted by one of them in his own name? And what is the liability of dormant partners?

BILLS OF EXCHANGE.

5. What is the effect of a conditional acceptance? Can the drawee accept for a part? What course should the holder follow in case of a conditional or partial acceptance ? And what is the effect of an acceptance given by error?

6. What is the prescription for promissory notes ? From what period is the time required for prescription to be reckoned? How is the prescription interrupted? What is the effect of the interruption? And what is the prescription after judgment ?

INSURANCE.

7. What persons can effect insurance? What things can be insured? Against what risks can insurance be made? What is re-insurance, and who can effect it? And when the insurance covers the value of the object, what other insurance can the insured lawfully effect?

8. When the insured effects an insurance on his life in his own favor, to whom does the sum insured devolve on his death ? What would be the effect of the insured having been put in insolvency? What is the effect of an insurance made for the benefit of a person's wife and children, and how is the sum insured to be divided when the policy contains no apportionment? And what is the word "children" held to mean when names are not specified ?

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

FRIDAY, MARCH 8TH:—4 TO 6 P.M.

COMMERCIAL LAW.

SECOND AND THIRD YEARS.

Examiner,.....PROFESSOR WUR

PARTNERSHIP.

1. Define the Contract of Partnership, and state what is essential to i

2. What is the effect of an agreement exempting one partner from losses

3. How do partners share the profits and losses?

4. When no special mandate is given, what rules govern the management of the business?

5. How, and to what extent, are partners liable for the debts of the partnership?

6. How many kinds of partnership are there, and what are the subdivisions of commercial partnerships?

7. What is the responsibility of special partners, and how can they forfeit their exemption from personal liability?

8. What effect has the dissolution of the partnership on the powers of the partners; and what difference exists between our law and that of England in this respect?

BILLS OF EXCHANGE.

1. What is a Bill of Exchange, and what are its essentials?

2. What is the effect of the words "Value received," in a Bill of Exchange?

3. How are Bills of Exchange transferred; and what difference is there in the title to a bill transferred before or after maturity?

4. What is the liability of indorsers; and what is that of the transferer of a bill payable to bearer.

5. How must acceptance be made; and what is its effect?

6. What are the rights of the holder when acceptance is refused; and when a conditional or qualified acceptance is given?

7. How are the parties on a bill affected by want of protest for non-payment, or of notice thereof?

8. To what are the parties on a bill drawn in Lower Canada liable when it is returned under protest for non-payment?

9. What is a Cheque, and what recourse has the holder upon refusal of payment?

10. What is the effect of not presenting a cheque within a reasonable time, if the bank fail between the delivery of the cheque and its presentment?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SPECIAL EXAMINATION FOR THE ELIZABETH TORRANCE MEDAL, 1871.

SATURDAY, 18TH MARCH:—4 TO 7 P.M.

COMMERCIAL LAW.

Examiners..... { PROFESSOR ABBOTT, D.C.L.
LECTURER WURTELE, B.C.L.

1. In a joint and several obligation when the creditor receives from one of the debtors a sum equal to his share, what is the effect of such payment in the one case when the receipt specifies that it is for his share, and in the other case when it does not do so? And what is the effect when the payment is only of arrears of interest?

2. In what case has a creditor who has accepted a delegation and discharged his debtor, a remedy against the latter when his new debtor becomes insolvent? And what is the extent of his recourse?

3. How are suits brought by and against a limited partnership? And what acts done by a special partner render him liable as a general partner?

4. Are there any circumstances under which persons who have been partners in a firm become liable for debts contracted after their connection has ceased? And if so, state them in detail.

5. How far can the negotiability of a note be impaired by its form, or by the form of the indorsement upon it? And how far is its negotiability of necessity arrested by its payment?

6. In what cases is the drawer prevented from availing himself of the want of protest or notice upon the dishonor of a bill?

7. How must the transfer of a registered colonial vessel be made? And what is the effect of omitting to register the transfer, and also of neglecting to get such transfer endorsed upon the certificate of ownership?

8. To what extent is the owner of a sea-going vessel answerable for damages caused without his fault or privity?

9. How may policies of insurance be transferred? To whom? And how far is the privity or consent of the insurer required?

10. Describe the differences, if any, between a representation in insurance and a warranty, as to their nature and as to the effect of their proving to be unfounded in fact.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1871.

FRIDAY, 10TH MARCH:—4 TO 7 P.M.

COMMERCIAL LAW.

SECOND AND THIRD YEARS.

Examiner..... LECTURER WURTELE.

PARTNERSHIP.

1. Define the contract of partnership; and state how it can be formed, and what is essential for its validity?

2. Explain the effect of an agreement by which one partner is exempt from liability for the losses of the partnership.

3. What formality is imposed upon partners in partnerships for trading, manufacturing or mechanical purposes; and what consequences are incurred by its omission?

4. To what does a partner render himself liable when he fails to furnish his contribution to the partnership?

5. What difference exists where in the one case the power of management is conferred upon a partner by a clause in the contract, and in the other case by an instrument posterior to it?

6. By what acts, and to what extent are partners bound towards third ersons?

7. State the different kinds of partnership and the divisions of commercial partnership, defining concisely each kind and division.

8. What responsibility and liability attach to a stockholder in a Joint-Stock Company?

9. How is partnership dissolved; what are afterwards the powers of the partners, and how are the affairs of a firm settled and its property divided after such dissolution?

10. In case of the insolvency of a firm, in what manner is the private property of a partner liable for the debts of the firm?

INSURANCE.

1. Define the Contract of Insurance, and state the divisions of contracts to which it belongs.

2. What persons can effect insurance, and what things can be the object of it?

3. Explain the various kinds of insurance.

4. What is a representation in insurance; what facts must be, and what need not bedisclosed; and what is the effect of misrepresentation or concealment?

5. What is a warranty; what is the distinction between express and implied warranties; what things usually are impliedly warranted in marine insurance; and what is the effect of the breach of a warranty?

6. What particulars must policies for the various kinds of insurance contain; and what is the difference hetwcen valued and open policies?

7. What is a constructive total loss, and what must tbe insured do before he can claim for one; when must an abandonment be made; what must the notice thereof contain; what is its effect; and what is the consequence of the insurer's refusal to accept a valid one?

8. How is the amount for which the insurer is liable in a partial loss ascertained in marine insurance?

9. In fire insurance, for what losses, and to what extent is the insurer liable, and on payment to what right is he entitled?

10. In life insurance, in whose life has the insured an insurable interest; and what is the measure of his interest?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

COMMERCIAL LAW.

SPECIAL EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL, 1870.

APRIL 19TH :—4 TO 7 P.M.

THIRD YEAR.

Examiner.....PROFESSOR ABBOTT, D.C.L.

1. On what principle are the effects of a partnership and of the individual members thereof distributed amongst the creditors of the partnership and of such individual members, in the event of Insolvency of the firm and of the partners thereof?

2. In what way may the limitation of liability of the special partners in a limited partnership be forfeited by such special partners; and under what circumstances may a special partner rank as a creditor on the estate of the partnership, if such partnership becomes Insolvent?

3. Describe the obligations and liabilities of an endorser for value before maturity, and point out the distinction between those obligations and duties, and those of a person transferring a bill or note without endorsement. Point out also the distinctions which exist between the rights of an endorsee receiving a Bill before and after maturity.

4. Describe the obligations assumed by an accepter for honor. When may such contract be entered into? What are his remedies? And against whom in the event of his being compelled to pay the bill?

5. State the law of prescription with regard to bills and promissory notes, and give a historical account of the changes in that law in Lower Canada previous to the Code.

6. Detail the implied warranties which every ship owner is presumed to undertake when he enters into a contract of affreightment of any kind.

7. Define a contract of Insurance and state particularly how far, and under what circumstances, it is limited to the interest of the assured in the subject matter of the insurance.

8. Describe what is understood by sea worthiness? By deviation? By general average? By particular average?

9. State the obligations of the insured as to representations, concealment and warranties; and point out under what circumstances, if any, a mis-representation or concealment of a fact will affect the insurance.

10. In Marine Insurance in what way is the loss adjusted? And in cases where a memorandum exists regulating the extent of liability with regard to particular articles, what is the effect of such memorandum as regards the rights of the assured? State the differences of opinion that have prevailed as to insurance upon freight.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1870.

FRIDAY, APRIL 8TH:—FROM 4 TO 7 P.M.

COMMERCIAL LAW.

SECOND AND THIRD YEARS.

Examiner.....PROFESSOR ABBOTT.

BILLS OF EXCHANGE AND PROMISSORY NOTES.

1. Define a Bill of Exchange, and point out the precise difference in effect between such a Bill and a Promissory Note.

2. What is the consequence as respects the rights of parties, and as, respects procedure of the words "for value received" being omitted.

3. State the obligations and rights of an acceptor for honor. Explain under what circumstances such an acceptance may be made, and point out the difference between the position of the acceptor for honor and the ordinary acceptor.

4. Point out those parties to a Promissory Note and to a Bill who are in similar positions towards each other, as to their liabilities and remedies towards and against the other parties to the instrument.

5. State the effect of endorsement of a Bill or Note; and specially the liability of an endorser, the rights of the holder, and the remedies of the endorser upon payment of the instrument. Point out the distinctions which arise between endorsement before and after maturity, endorsement *pour aval* and qualified endorsement.

6. State what circumstances will arrest or impede the negotiability of a Note or Bill, and explain the powers of the various parties thereto in respect of diminishing or increasing the facilities for negotiation.

7. Point out what, if any, responsibility is incurred by the party who transfers a Note or Bill by delivery only, and the distinctions which exist between such responsibility and that of the endorser.

8. If a Bill or Note be payable generally, where must it be presented for payment, and if the maker or acceptor is dead how must such presentment be made?

9. If, by reason of defective notice, one endorser amongst several becomes liberated from responsibility on a Bill or Note, what effect has the liberation of such endorser upon the rights of the holder as against the maker or acceptor, and as against endorsers prior or subsequent to he endorser so relieved?

10. What amount of damages does the drawer of a Bill of Exchange subject himself to if it be dishonored ; and is there any distinction arising out of the place upon which such Bill is drawn?

11. What privilege in matter of procedure and proof is allowed to Bills and Notes? State the effect of a plea denying the signature, and supported by affidavits, upon the obligation of the plaintiff to make proof.

12. What is the present term by which an action on a Promissory Note or Bill is prescribed? State the changes in the law which have occurred in Lower Canada on this subject.

AFFREIGHTMENT.

1. For what purpose may contracts of affreightment be made?

2. What is the security of the lessee for the performance of the obligations of the lessor, and in what way is the lessor secured for the performance of the obligations of the lessee?

3. What is the effect of a declaration of war, interdiction of trade, or other irresistible force preventing the prosecution of the voyage, upon the contract of affreightment? And state any distinction which exists between such obstruction, if temporary or permanent.

4. Describe the usual contents of a charter party and its ordinary stipulations.

5. What is demurrage, and how is the amount of it regulated?

6. Define a Bill of Lading and describe its usual contents. What are the privileges as to negotiation and transfer of goods attached to a Bill of Lading, and how are they exercised?

McGILL COLLEGE, MONTREAL.

SPECIAL EXAMINATION FOR THE

ELIZABETH TORRANCE GOLD MEDAL, 1869.

COMMERCIAL LAW.

Examiner, ...PROF. ABBOTT, D.C.L.

APRIL, 20TH :—4 TO 7 P.M.

1. Give the definitions of the contract of sale according to the old law, and to the code. Point out the distinctions created by the change, and describe particularly the effect, if any, upon the doctrine of delivery.

2. Describe the changes, if any, produced by the code in the law of default, of damages, liquidated and unliquidated, and of penalties for non-performance of a contract. Point out the conflict caused by these changes with the rules which formerly were held to govern these subjects, and how far the principles on which those rules should have rested, are infringed by them, if at all :

3. Give a concise view of the rules of law governing the right of dissolution of partnerships, not limited as to time State to what extent a partner has the power of withdrawing himeelf without legal cause before the expiration of the time fixed by the agreement between the partners : and the consequences of a partner's withdrawal from a firm, under any circumstances without the consent of his co-partners.

4. Define a "Charter Party :" "a Bill of Lading." In what respects can either of these instruments be used as evidence of the transfer or ownership of property? Describe the differences (if any) between the obligations of the owner of a ship under a "Charter Party," and those created by a Bill of Lading.

5. What is the effect upon a Bill of Exchange or Promissory Note, or upon the procedure in a suit for its recovery, of the omission of the words "value received?" State how far the negotiability of a note may be impaired by its form : or by the form of the endorsement upon it; and how far its negotiability is of necessity arrested by its payment.

6. What are the obligations of the insured as to the representation of facts concerning the subject matter of an insurance? State the effect of the misrepresentation or concealment of any fact, and all the distinction,, which arise in the discussion of that question Describe the differences if any, between a representation and a warranty, as to their nature, and as to the effects of their proving to be unfounded in fact.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1869.

PARTNERSHIP.

SECOND AND THIRD YEARS.

Examiner,.....PROFESSOR ABBOTT.

1. Define the contract of partnership: state the modifications in the liability of the individual partners towards third persons, and towards each other which may be made by the articles of partnership.

2. Are any and what formalities prescribed by law for giving publicity to the description of the members of a partnership? What are the consequences of neglect of these formalities, as to the penalties for such neglect? and how does it affect the remedies of third persons.

3. What are the obligations of a partner in respect of what he has promised to contribute to the firm? and as to things contributed to it, of which it has been evicted?

4. If a partner is creditor individually of the debtor of the partnership, in what way should a payment to him be imputed? And how would the rule you lay down be affected, by an agreement between such partner and the debtor at the time of the payment?

5. What distinctions as to the person at whose risk things contributed to the partnership are held by it, arise from the nature of such things? What from the purpose for which they are contributed?

6. What are the powers of the partners as to the management of the business where no provision is made for it in the articles? How far may the general rule be varied by the agreement of partnership?

7. Define universal and particular partnerships. How are commercial partnerships divided? Define each class of commercial partnerships.

8. Describe the difference between a general partner and a special partner, in a limited partnership. Are special partners under any, and if any, what disabilities as to taking part in the business of the firm?

9. In what modes may partnerships be dissolved? What is the rule as to the dissolution of partnerships formed without limit as to duration? To what modification is the general rule subjected? How and under what circumstances may a partnership limited as to duration, be dissolved before the expiration of the stipulated term?

10. Have the former partners any, and if any, what powers with regard to the business of the firm, after dissolution? State the distinctions as to creditors' rights against the effects of the firm, and the effects of individual partners. Are there any circumstances under which persons who have been partners in a firm remain liable for debts incurred after their connection with it has ceased, and if there be, state them in detail.

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1. State the circumstances which are essential to the existence of the contract known as a bill of exchange. Also to that known as a promissory note.

2. Describe the obligations towards third parties, and towards each other, which are assumed by the parties to a bill of exchange. And point out which of the parties to a bill and to a note, stand in the same positions relatively to third parties and to each other.

3. Describe the obligation of an endorser *pour aval:* of an acceptor *au besoin*, and of an acceptor *supra* protest: and point out any distinctions which exist between them and ordinary endorsers, and acceptors; whether as to the nature of their liability, or as to the remedies against them respectively.

4. What is the effect of the omission of the words "value received" in a bill or note?

5. Define the expression "*bonâ fide* holder for value," giving an explanation of the *bona fides* implied in it, the nature of the facts requisite to constitute a "holder," and the description of value which must be given to entitle such holder to be regarded as a holder for value.

6. What facts respecting previous parties to a bill or note, are admitted by its endorsement?

7. What is meant by noting a bill for non acceptance? What notice thereof is necessary, if any?

8. What is meant by a bill or note being payable generally? Where is such bill or note payable? Relate the changes of the law which have taken place in Lower Canada with regard to the place at which bills and notes are payable.

9. What is the effect as to the other parties to a bill, of the payment of it by the acceptor? by the second endorser? by the drawer?

10. In what cases is the drawer prevented from availing himself of the want of protest or notice, upon the dishonor of a bill.

INSURANCE.

1. Define the contract of insurance, and give a general description of the matters to which it is applicable. Detail the matters to which it has already been applied.

2. State which kinds of insurance are commercial contracts; and which are not; and point out the reasons for the distinction.

3. To what extent, if any, must the insured have an interest in the object of an insurance? When must he possess such interest? To what extent can he recover upon a contract of insurance?

4. How are contracts of insuranceusually evidenced? Is the ordinary instrument essential in every case? Describe the distinctions existing in this respect.

5. How may policies of insurance be transfered? To whom? How far is the privity or assent of the insurer required?

6. What are the obligations of the insured as to the information to which the insurer is entitled? State the law on this point fully and in detail.

7. What is a warranty? What is the effect of it? What are the warranties implied in every contract of marine insurance?

8. When misrepresentation of a material fact has occurred, and a loss has followed; is it material tothe right of indemnity that the loss did not arise from any circumstance which was misrepresented?

9. What should a policy of marine insurance contain? Answer this question in de ail; and state reasons for the insertion of every thing considered essential to the validity of the policy.

10. In what cases is the premium not due; and if paid may be recovered back? Pointout the reasons for the provisions of law in this respect.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1869.

WEDNESDAY, APRIL 7TH :—4 P M. TO 6 P.M., FOR DEGREE;

6 P.M. TO 7 P.M., FOR HONOURS.

CIVIL CODE OF LOWER CANADA.

SECOND YEAR.

Examiner,.....PROF. LAFRENAYE.

1. Quelles sont les dispositions générales du code sur le mandat ?

2. Les mineurs peuvent-ils être mandataires ?

3. Le mandataire peut-il substituer un autre dans l'exécution du mandat?

4. Dans quels cas s'établit la solidarité entre les mandataires ?

5. Quand et comment le mandataire doit-il rendre compte ?

6. Quand doit-il l'intérêt ?

7. Dans quels cas le mandataire est-il responsable personnellement envers les tiers ?

8. Quelles sont les obligations du mandant envers les tiers ?

9. Quelles sont les principales opérations du commerce des courtiers et des facteurs ?

10. Comment se termine le mandat ?

11. Quelles sont les dispositions du code sur le prêt à intérêt ?

12. Quelle est la différence entre le dépôt volontaire et le dépôt nécessaire ?

13. Qu'est-ce que le séquestre judiciaire, en quels cas et pour quelles causes peut-il avoir lieu ?

14. Quelles sont les dispositions du Code sur la nature, la division et l'étendue du cautionnement ?

15. Dans quels cas et pour quelles causes la caution peut-elle agir contre le débiteur avant d'avoir payé ?

16. Quelles sont les obligations principales de la caution judiciaire ?

17. Comment s'éteint le cautionnement ?

N.B.—The first 12 questions are for *degree*. The whole of the questions for *Honour* course.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1868.

OF AFFREIGHTMENT.

SECOND AND THIRD YEARS.

Examiner..... PROF. ABBOTT.

1. In what way are contracts of affreightment usually made, and by whom?

2. What constitutes the security of the lessee of a vessel for the performance of the obligations of the lessor?

3. What is a charter party? What is the precise difference between it and a bill of lading? Are both ever executed with respect to the same ship, or its freight?

4. What is the effect of a declaration of war between the country where a ship is, and that to which she is destined? What difference would it make if the detention, though caused by irresistible force, was only temporary?

5. What is demurrage? How is it regulated?

6. What are the obligations of the lessor in the contract of affreightment?

7. What is the rule with regard to the stowage of goods on deck? What are the consequences of a breach of it?

8. What effect upon the liability of the ship for damage to goods, if there be a pilot on board? State any distinctions with respect to this question.

9. To what extent is the owner liable for damage to goods on board a sea-going ship? If damage has occurred on more than one occasion how is the rule applied?

10. In what case does freight become due before the carriage of goods is completely performed? Is freight due upon goods sold to procure money to repair the ship! At what rate are such goods accounted for by the master? What remedy has the master if freight be not paid.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1868.

PROMISSORY NOTES AND BILLS.

SECOND AND THIRD YEARS.

Examiner ..... PROF. ABBOTT.

1. Define a Bill of Exchange. A Promissory Note.

2. Describe the parties to a Bill? Also the parties to a note? State which of these hold positions analogous to each other.

3. What is the effect of the insertion in a Bill or Note of the words "value received"? And of their omission?

4. Describe clearly the precise difference in effect between an endorsement before, and one after the matutity of a Note. Can the negotiability of a Note or Bill be stopped by endorsement, and how?

5. What is meant by an acceptor for honor? State succinctly what are his rights and liabilities.

6. By whom should Bills or Notes be protested in the Province of Quebec? Is there any, and what exception to this rule—and if there be, is anything more required to be stated in the protest than if it had been made by a Notary?

7. When must a Bill be presented for payment? What rule prevails if a Bill be unaccepted, and there is a drawee *au besoin*?

8. If an acceptor becomes insolvent, to whom must presentment for payment be made?

9. What is the difference between the rights and liabilities of a warrantor, and those of an endorser?

10. What is the effect upon previous and subsequent endorsers, of the omission to give legal notice of protest to an endorser?

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1866.

FRIDAY, APRIL 6TH.

COMMERCIAL LAW.

FIRST YEAR.

OBLIGATIONS.

Examiner,.....PROF. ABBOTT, B.C.L.

1. Explain the sense in which the term obligation is used in this course, and state the principal divisions of such obligations.

2. Describe fully the causes from which obligations arise.

3. State the effect upon a contract, of error, and of fraud, respectively; and define clearly the distinction which exists between the operation of those two defects in contracts.

4. What difference is there in the extent of inequality which will render a contract defective, considered with regard to the parties to such contract?

5. State the distinction between the respective capacity for contracting, of minors below and above the age of puberty, of lunatics, and of married women.

6. Describe fully the distinctions which exist between persons obliged *in solido*, and several debtors of an indivisible obligation; and the effects which result from those distinctions as regards the debtors and their heirs, in case of the non-performance of such obligation.

7. What is the effect upon the heirs of the debtor of an indivisible obligation, of the breach of such obligation by one of them? and state the distinction, if any, between the breach of such an obligation *in faciendo*, and that of such an obligation *in non faciendo*.

8. If a penal clause is attached to an obligation, is the penalty incurred for the whole, and by all the heirs of the debtor, by the contravention of one of them? and if the question be susceptible of different answers, as the obligation is divisible or indivisible; give both of such answers.

9. What is the nature of the several exceptions of Division and Discussion on the part of sureties, and what is their effect? State any restrictions upon pleading them, arising from the nature of the contract, the time of opposing them, or the subject affected by them.

10. What are the rights which a surety may have against the principal debtor; and how may he entitle himself to those rights? When has the surety an action against the principal, before he has paid the debt?

11. What is the leading rule for the imputation of payments, when none has been made either by the debtor or creditor? What is the distinction taken by Mr. Pothier, as to imputation, between interest stipulated for, and interest which is the result only of a judgment?

12. What is the difference between compensation and payment? What debts may be opposed in compensation, and when does it take place? State in what cases the fact of the demand and the debt set up in compensation, having arisen *ex eodem fonte*, is of importance in considering whether compensation has taken place.

SECOND AND THIRD YEARS.

PROMISSORY NOTES AND BILLS OF EXCHANGE.

1. What are the laws which regulate the forms, negotiability, and general effect of Promissory Notes and Bills in Lower Canada? In case of any conflict of laws arising from the contract being partially made in one country and partially in another, by what law will it be governed?

2. What kind of consideration is required to sustain a Promissory Note or Bill? State the distinctions, if any, which arise from the fact of the instrument being held by the original payee, or of its being in the hands of an innocent third party, who acquired it before maturity.

3. Describe what is meant by a *bonâ fide* holder of a Bill. State any defect, if any there be, that will avoid a Bill or Note in the hands of a *bonâ fide* holder, and refer to any change in our law in that behalf.

4. What is the effect of the neglect of the holder of a note to present it properly for payment; and state any distinctions which exist in respect of the maker and of the endorsers; and which arise from the note being made payable at a particular place, or without indication of place of payment?

5. By whom should a note be protested, and by whom and when, should notice of dishonour be given? State any distinction between our law and that of England in this respect.

6. What is the nature of the obligation of an endorser *pour aval?*

7. In the case of a note made by A with three endorsers, B, C, and D, what would be the effect of the voluntary discharge by the holder of A? B? C? and D?

8. What would be the difference in the effect upon the others, if the discharge of any party to the note were obtained under a Bankrupt or Insolvent law?

INSURANCE.

1. To what class of contracts does Insurance belong?

2. What is the extent of the liability of the insured in respect of the subject of the Insurance, and the amount of damage caused to it by the occurrence of the event insured against. Distinguish between valued and open policies, and between Fire and Life Insurance.

3. In Marine Insurance, what would be the effect upon the policy if the subject insured were the object of illegal trade? Are there any other circumstances extraneous to the contract itself, that would produce similar effects upon it?

4. Is it necessary in Marine Insurance that the name of the insured be stated in the policy? Can different interests be covered by the same policy, and if they can, by what form of words can it be done?

5. If an Insurance is made "for whom it may concern," is there any and what distinction as to the parties whose interests are covered by it? Answer with special reference to the persons who were interested in the subject insured at the date of the policy, and to those who afterwards became so interested.

6. What is known in the English and American Law as a warranty? What as a representation? What is the distinction which prevails between them under those systems? Would such distinction be recognized here in whole, or in part?

7. Define general average and particular average.

8. How many kinds of losses are there, which give rise to a claim for a total loss? Describe them fully, and state whether any, and what steps are in any case requisite, to convert an incomplete into a total loss.

9. Define "peril of the sea." Barratry." What appears to be the distinction between the English construction of the word barratry, and the French interpretation of the phrase "barateric de patron."

10. What risks does the phrase "loss or damage by fire" in a fire policy, cover?

11. Are there any, and if any, what modes of death which do not give rise to a claim under a life policy?

12. State the various risks, events and transactions to which the contract of Insurance is now ordinarily applied.

SECOND AND THIRD YEAR STUDENTS.

AGENCY.

1. Define Agency, and state the precise distinction between a general, a particular, and an universal agent.

2. State who may, or may not, act validly as agents. What class of persons incapable of contracting may yet validly act as agents? What is the reason for such a distinction?

3. Give a concise explanation of the characteristics of those classes of agents, having distinct appellation.

4. Can a person acting as agent bind his alleged principal without authority, and if he can, under what circumstances?

5. How may agents be appointed? What is the distinction as to the mode of appointment of agents, arising from the character or qualities of the principal, or the nature of the agency?

6. How is the extent of the power of the agent established, as between the agent and his principal, and as between the principal and third parties? What is the effect of the unauthorized assumption of authority in both these respects?

7. What is the effect of the ratification by the alleged principal of the act of the agent? Is the effect ever retroactive? If so, how can it be proved? and when is it presumed?

8. State all the modes by which the contract of agency may be terminated.

9. What is the effect of the termination of agency, as to acts done afterwards? What is the effect of an agent's admission, and the distinction that may exist on the subject?

10. In case of special instructions by the principal, what is the effect as to third parties?

11. State any distinction that may arise in cases where the procuration is more extensive than the special instructions.

12. The same, when it is less extensive; and when the instructions are made known, and when they are not?

BROWN ARTS TRIPOS, 1884, PART I.

AGENCY.

1. Define Agency, and state the popular distinction between a general, a particular, and an universal agent.

2. State who may, or may not, act rightly as agents. What class or persons (accessible of confirmation) may yet validly act as agents? What is the reason for such a distinction?

3. Give a concise explanation of the characteristics of three classes of agents, locally distinct appellation.

4. Can a person acting as agent bind his alleged principal without authority, and if he can, under what circumstances?

5. How may agents be appointed? What is the distinction as to the mode of appointment of agents, arising from the character of qualities of the principal, or the nature of the agency?

6. How is the extent of the power of the agent established, as between the agent and his principal, and as between the principal and third persons? What is the effect of the unauthorized assumption of authority in both these respects?

7. What is the effect of the ratification by the alleged principal of the act of the agent? Is the effect ever retroactive? If so, how can it be proved? and when is it presumed?

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10. In case of special instructions by the principal, what is the effect as to third parties?

11. State any distinction that may arise in cases where the procuration is more extensive than the special instructions.

12. The same, when it is less extensive; and when the instructions are made known, and when they are not?

10. At what place should payment be made to be effectual? What is the effect of a payment at a wrong place?—to a wrong person? To what species of action, if any, does the latter give rise? What is the effect of a payment made before a debt is due?

11. What is the effect upon an obligation of the death of the debtor?—of the creditor? What is the effect upon the heirs of a debtor of an indivisible obligation, of the neglect of one of them to perform an obligation *in faciendo?*—of a breach by one of them of an obligation *in non faciendo*?

12. How many different kinds of oaths may be deferred to the parties in the course of a suit? State fully the name and nature of each, the time and mode of its administration, and its effect.

SECOND AND THIRD YEARS.

PROMISSORY NOTES AND BILLS.

I. What are the essential elements of a promissory note? Give a concise definition of this species of contract.

II. In what respects does a Bill of exchange differ from a promissory note? Do any and which of the parties to these two kinds of contracts hold relations analogous to each other?

III. To what classes of contracts does a promissory note belong? As between the parties to it and the holder, is there any difference between the obligation based upon it, of the maker and the endorser? Is there any such difference in the obligations of those parties as respects each other?

IV. What is required to make a promissory note payable at a particular place? What is the effect as regards the several parties to it, if it be not presented for payment at that place? What is the effect as regards the several parties if it be not presented at maturity?

V. How may a note or bill be transferred? If by endorsement, what effect has such endorsement beyond the transfer of the contract?

VI. In what ways may recourse against an endorser be lost? On what general principles of the law of obligations do such grounds of extinction of that contract rest?

VI. What contract if any, intervenes between the person who transfers a note without endorsing it, and the person to whom it is transferred?

VIII. What is an *aval?* And what is the obligation of him who signs *pour aval?*

IX. What is the effect upon subsequent endorsers of the extinction of the obligation of the first endorser of a dishonored note? Of the drawer of a dishonored Bill?

X. What is the nature of the bar which is created against an action of Bill or note by lapse of time? What time is required to elapsed before it is acquired? Under what law does it operate?

PLEADING.

I. What is understood by the caption of a declaration? What by the relation or recital? What by the conclusions of a pleading?

II. What are the different kinds of preliminary pleadings? At what stage of the case and within what time may they be proposed? To what grounds of defence are they applicable respectively?

III. Is there any and what order in which preliminary pleas must be pleaded? Is there any and what peculiarity in the conclusions of preliminary pleas, as distinguished from pleas to the merits of the action.

IV. State the different kinds of pleas to the merits; and define each class. Give the delays within which they must be pleaded and answered?

V. What is an *articulation de faits?* What effect does it produce if unanswered?

VI. If a plea be not answered within the time fixed by the statute, how may the case be proceeded with and issue joined? What is the effect of not answering an affirmative plea, as to the necessity for proof of its allegations?

AGENCY AND BAILMENTS.

I. What is meant by an agent? What is the precise distinction between a general agent, a particular agent, and a universal agent?

II. Is there any particular mode in which the appointment of an agent must be made or must be proved? State any distinction in this respect between agents of corporations, agents for the sale of real estate, and any other classes of agents that may occur to you?

III. Can a person acting as agent bind his alleged principal without authority? If so, state precisely and fully under what circumstances he can do so?

IV: What is the effect of the ratification by the alleged principal of the act of the agent? Has it a retroactive effect or not? How may it be proved? Is it ever presumed and when?

V. What is the effect as to third parties, of special instructions by the principal, as to the mode in which the agency is to be performed? State any distinctions that may occur to you as arising between cases when the procuration is more extensive than the special instructions; when it is less extensive; when the instructions are made known, and when they are not?

VI. What is a bailment? From what is the word bailment derived? What is the precise difference between a bailment and the contract of agency?

VII. What particular classes of commercial agents are bailees as well? In what do their powers differ from those commercial agents who are not bailees?

VIII. What are the duties of a bailee as to the custody of the goods entrusted to him? Do they differ as to their extent in different classes of bailees; and if so, what is the difference, and upon what principle does it rest?

PARTNERSHIP.

I. How many kinds of partnerships are there? State the distinguishing characteristics of each?

II. How may the contract of partnership be formed? What formalities (if any) are required by our law upon the formation of a partnership, and what are the consequences of the non observance of those formalities?

III. What is the extent of the authority of each partner to bind the firm? Can the extent of such authority be varied as regards third persons, and if so, how?

IV. Has a debtor of the firm any right of compensation or set off by reason of a debt due to him by a partner in it? Has he any and what remedy in such a case? Would the firm have any such right if the position was reversed?

V. What is the rule as to the distribution of the assets of a firm when there are creditors both of the firm and of its members individually, What is the rule as to the distribution of the effects of a partner under similar circumstances?

VI. What is the effect as to the other members of a partnership, if one of its members becomes insane?

VII. What are the rights of the partners as to the dissolution of a firm before the period fixed by the agreement of partnership? If one partner leaves the firm before that time against the will of his co-partners, what rights or remedies have they as against him?

VIII. State in detail the rights and powers of the several members of a co-partnership after its dissolution?

VIII. What are the duties of a bailee as to the custody of the goods entrusted to him? Do they differ as to their extent in different classes of bailees, and if so, what is the difference and upon what principle does it rest?

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IV. Has a debtor of the firm any right of compensation or set off by reason of a debt due to him by a partner in it? Has he any and what remedy in case a loss? Would the firm have any such right if the position was reversed?

V. What is the rule as to the distribution of the assets of a firm when there are creditors both of the firm and of its members individually. What is the rule as to the distribution of the effects of a partner on his insolvent circumstances?

VI. What is the effect as to the other members of a partnership, if one of the members becomes lunatic?

VII. What are the rights of the partners as to the dissolution of a firm before the period fixed by the agreement of partnership? If one partner leaves the firm before that time ending the will of his co-partners, what rights or remedies have they as against him?

VIII. State in detail the rights and powers of the several members of a partnership after the dissolution?

Faculty of Law.

McGILL COLLEGE, MONTREAL.

SESSIONAL EXAMINATIONS, 1862.

MONDAY, APRIL 21ST, 1862.

COMMERCIAL LAW.

Examiner .... PROF. ABBOTT, B.C.L.

FIRST YEAR.

Obligations.

1. Define the word "obligation" in its legal sense. Describe the distinction between an obligation and a contract.

2. Detail and define the leading classes of contracts. State to which of those classes the several contracts of sale, insurance, deposit, letting for hire, and exchange, belong.

3. What is the effect of fraud in the inception of a contract? Of consent extorted by violence? and state any distinction that may arise between the effect of the resort to violence by one of the contracting parties; and of violence or forcible constraint by a stranger to the contract, without participation by the contracting party.

4. What is the effect of inequality in a contract? State any distinctions which may arise upon the extent of the inequality; and also with regard to the relations of the contracting parties to each other.

5. What is meant by an accessory obligation? Which are the ordinary accessory obligations? What is the difference between the effect of the extinction of an accessory obligation, upon the principal obligation to which it attaches; and that of the extinction of a principal obligation upon its accessory.

6. What is the effect as regards the debtor, of payment to one of several creditors *in solido?* And as regards the co-creditors, of the institution of proceedings against the debtor by one of such creditors.

7. What is the effect upon the co-debtors *in solido* of the payment o the debt by one of them? And as regards prescription, of the demand upon one of such debtors? And what are the rights of the debtor who pays, against his co-debtors *in solido?* State distinctions that may arise from a difference in the shares in the indebtedness of the co-debtors *inter se.*

8. What are the rights of a surety who pays the debt of his principal? Define subrogation. Is it necessary for the surety paying the debt to demand a subrogation from the creditor at the time of payment? Is there any difference in this respect between the rights of the surety against his principal—and those of the debtor *in solido* who pays the debt, against his co-debtors *in solido.*

9. Define the exceptions of division and discussion—when may they be opposed? How may the surety be deprived of them? What is their effect?

10. Define divisible and indivisible obligations. Explain the difference between natural division and civil or legal division. What is the effect upon the heirs of the debtor of an indivisible obligation *in faciendo,* of his neglect to perform such obligation?

11. Detail and describe the various modes, exclusive of payment of performance, in which obligations may be extinguished. State the rules and distinctions with regard to those which are extinguished by the death of either party to them.

12. Are there any cases in which payment to the debtor himself will not discharge an obligation? If so state some of them—and, how in such cases, the debtor may obtain such discharge.

Insurance.

1. In what collection of laws is insurance first mentioned?

2. What species of insurance was first used?

3. When was the first fire insurance company established?

4. Define insurance.

5. To what purposes may the principles of insurance be applied?

6. What is meant by insurable interest?

7. To what extent must it be possessed by the assured?

8. State the peculiar features of a mutual insurance company.

9. State the peculiar features of a proprietary company.

10. State the peculiar features of a mixed company.

11. What is a warranty, and what a representation?

12. What facts must be stated on procuring a policy of life assurance; and what is the effect of concealing them? Answer at length, with distinctions.

13. What are the rules respecting concealment of material facts, when an agent effects insurance?

14. What is the effect of the non-payment of the premium?

15. What amount is payable under a life policy, on the determination of the risk?

16. When, and under what circumstances, may the assured demand a return of premiums?

17. Can a policy be assigned; and, if so, in what manner?

18. What is the nature of the declaration required from the assured against fire, on effecting insurance; and the effect of it if false?

19. In case of a loss, what preliminary proof is necessary before demanding or enforcing payment of it from the insurer?

20. If there be several insurances, in different offices of premises consumed or injured, must each office pay the full amount of its own policy; and if not, how is the allotment to be made?

21. Define "civil commotion," "usurped power."

22. What is meant by the expression, "lost or not lost" in a marine policy?

23. What is illicit trade; and to what extent, if any, may goods used in such a trade be insured?

24. What is meant by contraband of war, and to what extent may goods contraband of war be insured?

25. What is an open policy?

26. What is a valued policy; and what is the effect of the valuation contained in it?

27. What is re-assurance, and double insurance? How far are they, or either of them allowable?

28. What are the perils insured against, in a policy of marine insurance?

29. When does such policy attach, and when does it terminate?

30. What is abandonment? In what cases may it be made, and what is its effect?

Promissory Notes and Bills.

1. What are the essential requisites of a promissory Note? Of a Bill of exchange?

2. What parties to Bills and to Notes stand in analogous positions?

3. How many different kinds of Promissory Notes are there?

4. What are the peculiar privileges attached to Bills and Notes? and why are such privileges granted to these species of contracts?

5. How may the rights of property in Bills and Notes be transferred?

6. When must a Bill or Note be presented for payment; and in this connection—what are days of grace? What do you understand by the term "a month"? What is the rule respecting Holidays?

7. If a Bill or Note be not paid at maturity: within what time should it be protested? What is the effect of the neglect to protest a Bill or Note as regards the Maker? the Drawer? the Acceptor? the Endorsers?

8. Are there any valid excuses for the non-presentment for acceptance or payment of a Bill or Note: and if there be, what are they?

9. How would a Bill or Note be affected by the absence of consideration, either partial or total, in its inception?

10. How will a Bill or Note be affected by the illegality of its consideration either partial or total?

Answer these two questions at length, stating all distinctions arising from the position of the various parties to such Bill or Note, by whom such failure or illegality of consideration might be set up as a defence.

11. How may the liability of the endorsers upon a Bill or Note be extinguished otherwise than by payment? Also that of the drawer or payee; the maker or acceptor?

12. What is the effect of notice of absence of consideration, upon the holder of a Bill or Note? Answer stating distinctions.

UNIVERSITY

OF

McGILL COLLEGE,

MONTREAL.

SESSIONAL EXAMINATIONS. APRIL, 1861.

TUESDAY, APRIL 16TH.—4 P.M TO 6 P.M.

LAW FACULTY—COMMERCIAL LAW.

Examiner,.....J. J. C. ABBOTT, Prof.

SECOND AND THIRD YEAR STUDENTS.

AGENCY.

1. Define agency. State the distinctions between a general agent and a particular agent.

2. Who may be agents. Are there any, and what class of persons who are incapable of contracting, yet may validly act as agents? State the reason for such distinction, if any there be.

3. Enumerate the various classes of agents which have acquired a distinctive appellation: and give a short explanation of the peculiar characteristics of each.

4. In what modes may agents be appointed? State any distinction which exists between the mode of appointing agents, arising from the character or qualities of the principal. Also any such distinction arising from the nature of the agency.

5. How is the extent of the power of the agent established as between the principal and third parties? As between the agent and his principal? What is the effect of the unauthorised assumption of authority in both these respects? Of exceeding the authority: of subsequent ratification by the principal, and how it may be evidenced.

6. State all the modes by which the contract of agency may be terminated. What is the effect of its termination, as to acts done afterwards. What is the effect of the admissions or declarations of an agent; and state any distinction that may exist on this subject.

BAILMENTS.

1. Define a Bailment. Explain the origin of the term, and the distinction between this contract and that of agency.

2. Describe what is understood by ordinary diligence; ordinary negligence: gross negligence; and slight negligence.

4. Name and define the various classes of Bailments, giving the distinguishing characteristics of each class.

5. What is the general rule as to the degree of diligence required from a Bailee. Apply this rule by stating what degree of diligence is required in each class of bailments.

6. State how, and to what extent a Bailee may become responsible by the neglect of the rules as to diligence; and how, and to what extent, he may vary the effect of the rules, by a special agreement with the Bailor.

PARTNERSHIP.

1. Define Partnership.

2. What bearing has the law of Agency on that of Partnership.

3. Under which of the classes into which Pothier divides contracts in general does that of Partnership fall.

4. How may a partnership be created?

5. Is any and what formality required in its creation, or for any purpose connected with its formation or subsequent management?

6. What is the distinction between a partnership and a community?

7. To what extent are partners liable for the debts of the firm? State distinctions, if there be any, between co-partnerships for different purposes.

8. How and to what extent may a firm be rendered liable for the acts of any of its members?

9. To what extent may a firm be rendered liable by the declarations or admissions of one of its members?

10. What is a Partnership *en commandite* and what is the extent of responsibility incurred by its members.

11. Are there any, and what circumstances under which a person, not tacually a partner, may be liable for the debts of the firm?

12. How may a copartnership be dissolved? What are sufficient grounds for demanding its dissolution? And what are the powers of the members of it as regards each other, after the dissolution.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

TUESDAY, MARCH 12TH.—4 TO 6 P.M., FOR DEGREE;

6 TO 7 P.M., FOR HONOURS.

JUDICIARY LOGIC.

FIRST YEAR.

Examiner.....PROF. GONZALVE DOUTRE, B. C. L.

1. Donnez une définition de la logique judiciaire.

2. Quels sont les principes des arguments ?

3. Qu'entendez-vous par un syllogisme, un enthymême et un dilemne ? Donnez des exemples.

4. Quel est l'objet de l'argument *à definitione* ?

5. En quoi consiste l'argument *à contrario sensu ?*

6. En quoi l'argument *à simili* diffère-t-il de l'argument *à consiliis vel oppositis ?* Donnez des exemples.

7. L'argument *à fortiori* est-il moins concluant que l'argument *à consiliis vel opposite?* Donnez des exemples à l'appui de votre réponse.

8. Comment appelez-vous l'argument tiré des motifs de la loi et dans quel but avez-vous recours à ces motifs ?

9. Quand devez-vous vous servir de l'argument *ab exceptione ad regulam ?* Donnez un exemple.

10. Qu'est-ce que l'argument *à vulgari usu loquendi ?* Donnez un exemple.

11. Qu'est-ce que l'argument *à cessante ratione ?* et donnez un exemple.

12. Quel est l'argument *ab impossibili ?* et indiquez par des exemples en quoi il diffère de l'argument *ab absurdo.*

N.B. The first 8 questions are for *Degree.* The whole of the questions for *Honour* Course.

McGILL COLLEGE, MONTREAL.

Faculty of Law.

SPECIAL EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL, 1871.

MARCH 17TH :—4 TO 7 P. M.

THIRD YEAR.

Examiner..... PROFESSOR LAFRENAYE.

1. Qu'entendez-vous par l'action redhibitoire ? Art. 1530. C. C.

2. Dans quels cas le vendeur peut-il exercer la faculté de réméré ? Art. 1546, et seq.

3. Qu'entendez-vous par la licitation ?

4. Dans quels cas le locateur a-t-il un droit d'action pour résilier le bail ? Art. 1624.

5. Comment se termine le contrat de louage des choses. Art. 1655 et seq.

6. Expliquez les différents contrats de rente indiqués au Code Civil Art. 1593, 1787 et 1901.

7. Quelles sont les différences qui existent entre la saisie-arrêt. Art 612, l'arrêt simple. Art. 834, et l'arrêt en main-tierce. Art. 855. C. P. C.?

8. Dans quels cas le writ de mandamus est-il applicable? Art. 1022.

9 Qu'entendez-vous par l'apposition et la levée des scellés ? Art. 1279 et seq.

10. Quelles sont les principales dispositions du code de procédure civile sur les arbitrages en général. Art. 1341 et seq.

McGILL COLLEGE, MONREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1871.

WEDNESDAY, MARCH 8TH :—4 P.M. TO 6 P.M., FOR DEGREE;

6 P.M. TO 7 P.M., FOR HONOURS.

CIVIL CODE AND CODE OF CIVIL PROCEDURE.

THIRD YEAR.

Examiner..... PROF. LAFRENAYE.

1. Comment se fait l'assignation dans les différents cas indiqués au code de procédure civile ? art. 57 et seq.

2. Quelles sont les exceptions préliminaires et sous quel délai doivent-elles être produites ?

3. Quelles sont les principales dispositions du code de procédure civile sur l'articulation de faits ?

4. Quels sont les systêmes d'enquêtes indiqués au code de procédure civile ?

5. Dans quelle espèce d'action et dans quelle poursuite le procès par jury peut-il avoir lieu ? art. 348.

6. Qu'entendez-vous par folle enchère et quelles en sont les conséquences ?

7. Dans quels cas une opposition en sous ordre peut-elle être faite?

8. Dans quels cas peut-on demander un compulsoire ? art. 1245 C.P.C

9. Qu'est-ce que la péremption d'instance ?

10. Quels sont les effets du décrêt ?

11. Qu'est-ce que la prescription trentenaire ?

12. Donnez-un exposé de quelques courtes prescriptions ?

13. Dans quels cas les tribunaux peuvent-ils suppléer d'office le moyen résultant de la prescription ? art. 2188 C.C.

14. Peut-on prescrire au-delà de son titre et dans quels cas ? art. 2210.

15. Dans quels cas le créancier peut-il exiger un titre-nouvel ? art. 2249-2257.

16. Quelles sont les personnes qui sont contraignables par corps ?

17 Quelles sont les conséquences de la rébellion à justice?

N.B.—The first 12 questions are for *degree*. The whole of the questions, for *Honour* course.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SPECIAL EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL, 1870.

MONDAY, APRIL 19TH :—4 TO 7 P.M.

THIRD YEAR.

Examiner,..... PROFESSOR LAFRENAYE.

I. Comment se complète la vente par encan ? Art. 1567.

2. Quels sont les privilèges du maître pour repousser l'action pour salaire par les domestiques ou serviteurs de ferme ? Art. 1669.

3 Quels sont les droits de l'entrepreneur pour les changements dans les plans et devis ou augmentations de la main-d'œuvre ou des matériaux ? Art. 1690.

4. Dans quels cas le créancier peut-il exiger un titre-nouvel ? Art. 2249 2257.

5. Peut-on prescrire au-delà de son titre et dans quels cas ? art. 2210.

6. Quelle est la différence entre les experts et les arbitres ? C. P. C., art .322-341.

7· Quel est l'effet du désistement ? C. P. C., art. 450, etc.

8. Dans quels cas se pratique l'opposition en sous-ordre ? C. P. C. art 753, etc.

9. Quels sont les différents cas dans lesquels la saisie-arrêt est pratiquée ? C. P. C., art. 612, 834, 855.

10. Dans quels cas les jugements de la Cour de Circuit sont-ils susceptibles d'appel à la Cour du Banc de la Reine ? C. P. C., art. 1142.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1870.

WEDNESDAY, APRIL 6TH :—4 TO 6 P.M., FOR DEGREE ;

6 TO 7 P.M., FOR HONOURS.

CIVIL CODE AND CODE OF CIVIL PROCEDURE.

THIRD YEAR.

Examiner.....PROF. LAFRENAYE.

1. Quelles sont les exceptions préliminaires et sous quel délai doivent-elles être produites ?

2. Dans quel cas une intervention peut-elle être produite ?

3. Qu'est-ce que l'inscription en faux et comment doit-elle être produite ?

4. Qu'est-ce que le désaveu et comment doit-il se faire ?

5. Quels sont les systèmes d'enquête indiqués au Code de Procédure Civile ?

6. Qu'est-ce que la reprise d'instance ?

7. Qu'est-ce que la péremption d'instance ?

8. Quels sont les effets du décret ?

9. Quelles sont les différentes oppositions indiquées au Code de Procédure Civile et quelles sont les fins de chaque opposition ?

10. Quelles sont les conditions voulues par le Code pour la prescription de dix ans par les tiers acquéreurs ?

11. Donnez un exposé de quelques courtes prescriptions ? Art. 2260, etc.

12. Qu'est-ce que la prescription trentenaire ? Art. 2242, etc.

13. Quelles sont les personnes qui sont contraignables par corps ? Art. 2272.

14. Quelles sont les conséquences de la rébellion à justice ?

15. Quels sont les procédés à adopter contre un gardien qui ne représente pas les effets confiés à sa garde.

16. Quelle est la différence entre la contrainte par corps et le *contempt of court* dans le droit anglais ?

N.B.—The first 12 questions are for *degree*. The whole of the questions for *Honour* course.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1872.

MONDAY, MARCH 11TH:—4 TO 6; 6 TO 7 P.M., FOR HONOURS.

INTERNATIONAL LAW AND COMMERCIAL SALE.

SECOND AND THIRD YEARS.

Examiner,.....WILLIAM H. KERR.

1. What is the meaning of the words "International Law? How and when was International Law created? Who are subject to its rules? Are there any tribunals capable of giving effect to its principles?

2. Who are "Persons" in International Law? What is necessary to constitute a person in International Law?

3. Define the principal rights and duties of States?

4. In what consists the right of legation? What privileges areattached to the person of an ambassador in the country to which he is accredited? What are consuls and what are their duties?

5. What are the characteristics distinguishing a commercial from a non-commercial sale in England, France, and Quebec?

6. Under the law of Lower Canada previous to the Code, what were the effects of the contract of sale? Have any changes been effected therein by the Civil Code, if yea, detail the changes so effected

7. What are the chief distinctions between perfect and imperfect sales under our law? What is the difference between a perfect sale and an executory contract of sale?

8. What species of assent is necessary in order to constitute a valid contract of sale? What difference is there between the French and English Law, when two people bargain face to face for the purchase and sale of an article, *quoad* assent?

9. When a person in Montreal offers by letter to sell to a person in Quebec, say 100 tons of iron, price and terms therein being expressed, when is the contract between them perfect? Has the would-be vendor a right to retract at any time? When does the right to retract—if it exists at all—expire? If the letter be sent by post, when is the assent mutual? If it be sent by special agent of the would-be vendor when is the bargain concluded? If the acceptance be delivered to a servant or agent of the party to whom the offer has been made for delivery to the would-be vendor, when is the contract perfect?

10. Can things not actually in existence form the subject matter of a contract of sale? If a sale of such articles can be made, is such sale perfect or imperfect? Can a person sell a thing which does not belong to him? What changes in the law, as it existed previous to the Civil Code of Lower Canada, have been effected by Art. 1235 of that Code.

11. What is the effect of war *quoad* the subjects of the belligerents? What effect has war upon neutrals?

12. What is the right of blockade? Under what circumstances does it exist? How is it commenced? How is it ended? What is the penalty for violation of blockade?

13. What is the meaning of the words "Contraband of war?" What articles are contraband? What articles may be declared contraband? What is the penalty attaching to a cargo, of which a portion is contraband?

14. What is the right of visitation and search? Under what circumstances can it be exercised?

The first eight questions for the Degree; the last six for Honors.

McGILL UNIVERSITY, MONTREAL.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1873.

MONDAY, MARCH 11TH:—4 TO 6; 6 TO 7 P.M., FOR HONOURS.

INTERNATIONAL LAW AND COMMERCIAL SALE.

SECOND AND THIRD YEARS.

Examiner,.....WILLIAM H. KERR.

1. What is the meaning of the words "International Law? How and when was International Law created? Who are subject to its rules? Are there any tribunals capable of giving effect to its principles?

2. Who are "Persons" in International Law? What is necessary to constitute a person in International Law?

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5. What are the characteristics distinguishing a commercial from a non-commercial sale in England, France, and Quebec?

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7. What are the chief distinctions between perfect and imperfect sales under our law? What is the difference between a perfect sale and an executory contract of sale?

8. What species of assent is necessary in order to constitute a valid contract of sale? What difference is there between the French and English law, when two people bargain face to face for the purchase and sale of an article, *quoad* assent?

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10. Can things not actually in existence form the subject matter of a contract of sale? If a sale of such articles can be made, is such sale perfect or imperfect? Can a person sell a thing which does not belong to him? What changes in the law, as it existed previous to the Civil Code of Lower Canada, have been effected by Art. 1339 of that Code.

11. What is the effect of war upon the subjects of the belligerents? What effect has war upon neutrals?

12. What is the right of blockade? Under what circumstances does it exist? How is it commenced? How is it ended? What is the penalty for violation of blockade?

13. What is the meaning of the words "Contraband of war?" What articles are contraband? What articles may be declared contraband? What is the penalty attaching to a cargo, of which a portion is contraband?

14. What is the right of visitation and search? Under what circumstances can it be exercised?

The first eight questions for the Degree; the last six for Honours.

2. Give the specific gravity of the liquid marked *c*, and detail the process, giving the figures.

3. Ascertain what bases are present in the solution marked *d*, giving the groups to which they belong and their individual reactions.

Faculty of Law.

SESSIONAL EXAMINATIONS, 1874.

FIRST YEAR.

ROMAN LAW.

MONDAY, MARCH 17TH:—AFTERNOON, 4 TO 6.

Examinateur,.....PROF. C. A. GEOFFRION, B.C.L.

1. Quelles sont les définitions de *Lex*, *Senatus Consultum*, *Plebiscitum?*

2. Quelles étaient les attributions des Consuls, des Préteurs, des Ediles, des Tribuns du Peuple?

3. Dites par qui a été promulgé le *Corpus juris Civilis*, de combien de parties il est composé, et de quelles sources du droit est formée chacune des dites parties?

4. Donnez les principales divisions du droit et la définition de chacune de ces divisions?

5. Qu'entend-on par personne; donnez les divisions des personnes d'après les Institutes?

6. Quelle était l'étendue de la puissance domicicale et de la puissance paternelle a Rome, à qui appartenaient-elles et comment étaient-elles dissoutes?

7. Quelle différence y avait il entre *justæ nuptiæ et concubinatus;* entre les enfants *legitimi*, *naturales*, *et vulgo concepti?*

8. Que faut-il entendre par *maxima*, *media* et *minima capitis deminutio?*

9. Définissez l'adoption, l'adrogation, l'émancipation et donnez-en les principaux effets?

FIRST YEAR.

LEGAL HISTORY.

FRIDAY, MARCH 6TH, 1874:—3 TO 6 P.M.

Examiners, ... { Professor LAFRENAYE. E. LAREAU, Lecturer.

1. Nommez les grandes Ordonnances qui ont été publiées au XVI siècle dans l'ordre civil, avec la date respective de leur publication.

2. Quelles sont les matières principales qui sont traitées dans ces ordon nances ?

3. Quelles sont les principales sources du droit canadien ?

4. Quelle est la date de la rédaction de la Coutume de Paris et celle de sa réformation ?

5. A quelle date remonte l'introduction de la Coutume de Paris en Canada quand a-t-elle été reformée dans la colonie et quelle est la date de son abolition ?

6. En combien de titres se divise la Coutume de Paris ; et énumérez le matières qui font l'objet de ces titres ?

7. A quelle année remonte la création du Conseil Supérieur de Québec ?

8. Quelle était la composition du Conseil Supérieur de Québec ; et énumerez ses principales attributions ?

9. Quelles étaient les attributions et pouvoirs du Gouverneur, de l'Intendant, et du Procureur du Roi sous la domination française.

10. Quels sont les principaux changements constitutionnels ou formes de gouvernement qui se sont succédés depuis l'établissement de la Colonie jusqu'à 1759.

11. Enumérez les différentes formes de gouvernement qui se sont succédées depuis la cession du Canada à l'Angleterre jusqu'à 1867.

12. Depuis qu'elle année avons nous le gouvernement responsable en Canada ?

FIRST YEAR.

COMMERCIAL LAW.

MONDAY, MARCH 16TH ; 3 TO 6 P.M.

Examiner,.....Profesor WURTELE, Q.C., B.C.L

OBLIGATIONS.

1. What are the principal divisions of contracts ?

2. How is consent manifested ; and what invalidates it ?

3. What difference is there between the incapacity resulting from insanity and that resulting from interdiction for prodigality ?

4. What obligations can a married woman contract without her husband's authorization ?

5. What is understood in our law as the cause of obligations; and what cause or consideration of a contract is unlawful ?

6. What is the effect of a contract for the alienation of property ?

7. What contracts can be impeached by creditors; and in what cases is there a presumption of fraud ?

8. When is a debtor in default?

9. What is the measure of damages; and for what damages does a debtor become liable in cases of breach of contract ?

10. What is the effect of a resolutive condition ?

11. What is the difference between a term and a suspensive condition ?

12. When is the benefit of a term forfeited ?

13. What is the nature of the obligation arising from the common offence of two or more persons ?

14. What exceptions may, and what may not, be pleaded by a joint and several debtor ?

15. What is the effect of a release granted to one of a number of joint and several debtors.

FIRST YEAR.

LEGAL LOGIC.

Examiner,.....PROFESSOR GONZALVE DOUTRE, D.C.L.

1. Qu'est-ce que la Logique judiciaire ?

2. Qu'est-ce qu'un argument ?

3. Quels sont les principes des arguments ?

4. Quelle différence faites vous entre un syllogisme et un enthymème ?

5. Qu'est-ce qu'une définition ?

6. En quoi consiste l'étymologie et de quel avantage est-elle en logique ?

7. L'intention de la loi peut-elle être expliquée d'après l'ordre dans lequel diverses choses sont exposées, si oui, dites comment vous le démontrerez en logique ?

8. Pouvez-vous conclure d'une chose qui est dans la loi, l'exclusion de celles qui n'y sont pas comprises. Démontrez le par un argument ?

9. En logique, pouvez-vous d'abord conclure d'un cas à un autre semblable et ensuite raisonner d'un cas au cas contraire ? Comment appelerez-vous ces deux genres d'argument ?

10. Quel est l'argument *à fortiori ?*

11. Combien d'objets a l'argument *ad impossibili ?*

12. La loi cesse-t-elle d'avoir son effet lorsque le motif de cette loi a cessé ? Démontrez le par un argument.

FIRST YEAR.

CIVIL CODE.

Examinatur,.....PROF. H. F. RAINVILLE.

1. Par quelles lois sont régis les biens meubles et immeubles situés en Bas-Canada ?

2. Suivant quelles lois doivent être faits les actes quant à leur forme ?

3. Comment s'acquiert la qualité de sujet britannique ?

4. Quels sont les effets de la mort civile ?

5. Que doit contenir l'acte de mariage ?

6. Quels sont les effets de la reparition de l'absent après le jugement d'envoi en possession provisoire ?

7. Quel prêtre ou ministre est compétent à célébrer un mariage ?

8. Pour quelles causes une femme peut-elle demander la séparation de corps ?

9. Quelles personnes ne peuvent être tutrices ?

10. De quelle manière un mineur est-il émancipé ?

SECOND YEAR.

ROMAN LAW.

MARCH 17TH:—AFTERNOON, 3 TO 6.

Examinateur,.....PROF. C. A. GEOFFRION, B.C.L.

1. Quels sont les objets du Droit, et établissez-les relations qui existent entre ces différents objets au point de vue du Droit ?

2. Quelles sont les différentes espèces de choses, et définissez chaque espèce ?

3. Qu'est ce que le droit de propriété, comment s'acquiert-il sur les choses, les différents attributs en sont-ils susceptibles de division ?

4. Définissez ce que l'on entend par servitude, et nommez les principales servitudes urbaines et rurales.

5. Que faut-il entendre par usucapion et prescription ; les deux s'appliquaient-elles aux mêmes biens ?

6. Expliquez les différentes manières de tester reconnues à Rome depuis sa fondation à Justinien ?

7. Quelles étaient les personnes capables de tester ?

8. Quelles étaient les dispositions essentielles à la validité d'un test-ment ?

9. Qu'est ce qu'un testament inutile, rompu et annulé (*inutile*, *ruptum* et *irritum*) ?

10. Qu'entend-on par testament inofficieux et par quelle procédure était il mis de côté ?

SECOND YEAR.

LEGAL HISTORY.

FRIDAY, MARCH 6TH, 1874 :—3 TO 6 P.M.

Examiner,..... { Professor LAFRENAYE.
E. LAREAU, Lecturer.

1. Comment, sur qui, et à quel titre, la rente viagère peut-elle être constituée ?

2. Quels sont les droits et obligations du créancier et du débiteur de la rente viagère ?

3. Qu'est ce que la transaction, et quel est son effet entre les parties ?

4. Qu'est ce que le cautionnement et en combien d'especes se divise t-il ?

5. Dites quels sont les principaux effets du cautionnement entre le créancier et la caution.

6. Dites quels sont les principaux effets du cautionnement entre le débiteur et la caution.

7. Dans quels cas la caution peut-elle se faire indemniser et se faire décharger de son obligation, même avant d'avoir payé ?

8. Dites quels sont les effets du cautionnement entre les cofidéjusseurs

9. Comment s'éteint le contrat de cautionnement ?

10. Quelle différence y a t-il entre la caution légale et la caution judiciaire.

11. Dans quel cas le gage est il admis à la place de la caution ?

12. Les cautions conventionnelles sont elles contraignables par corps; *Quid*, des cautions légales et judiciaires ?

SECOND YEAR.

CONSTITUTIONAL LAW.

WEDNESDAY, 4TH MARCH, 3 to 6 P.M.

Examiners ..... { Professor CARTER, Mr. ARCHIBALD.

1. What are the different branches of the Legislature under the British Constitution, and explain the principal functions of each.

2. What is the authority of the Crown in regard to calling, adjourning, proroguing and dissolving Parliament?

3. Supposing ministers having the confidence of Parliament should advise measures which, in the opinion of the Crown, would prove disastrous to the country, what course or courses would be open to the Crown to follow ?

4. What are the three great maxims of Parliamentary Government? and point out briefly the beneficial consequences resulting from their operation.

5. What do you understand by privilege of Parliament?

6. Give a short account of the form of government among the Saxons.

7. Define Prerogative and Parliamentary Government, and show the main points of difference between them.

8. What is allegiance? Is it due to the person or to the office of the Sovereign? and develope an argument in support of your opinion.

9. What is the effect of naturalization in a foreign state, with regard to the tie of allegiance?

SECOND AND THIRD YEARS.

COMMERCIAL LAW.

MONDAY, MARCH 16TH; 3 TO 6 P.M.

Examiner, ...PROF. WURTELE, Q.C., B.C.L.

BILLS OF EXCHANGE.

1. What bills of exchange and promissory notes are negotiable; and how can negotiable paper be transferred?

2. What is the peculiar characteristic of negotiable paper; and when does this characteristic commence to operate and cease?

3. What is an acceptance for honor; and what is the undertaking, and what are the rights of the acceptor for honor?

4. When is the holder bound to prove consideration?

5. When can the drawer avail himself of the want of protest?

PARTNERSHIP.

6. What is the effect of an agreement excluding a partner from participation in the profits; and of one exempting a partner from liability for losses?

7. When there is no special agreement, what are the powers of individual partners; and how are third persons affected by their acts?

8. What is an anonymous partnership according to our law, and what is it under the French Code?

9. When can a dissolution be demanded before the expiration of the stipulated term?

10. What are the powers and rights of a partner after the dissolution l and when are third persons not affected by it?

CORPORATIONS.

11. What is a corporation, and how are they constituted?

12. How are corporations divided; and what are their various kinds

13. How are the powers of a corporation exercised?

14. What is the principal privilege of a corporation?

15. Under what disability do corporations lie with respect to real estate?

SECOND YEAR.

MEDICAL JURISPRUDENCE.

Examiner,.....Professor GONZALVE DOUTRE, D.C.L.

1. En quoi consistent les questions d'indentité en médicine légale?

2. Quelle distinction faites vous entre les violences, coups et blessures sur la personne, quant à la peïne?

3. Qu'exige-t-on en Canada pour la constatation des décès?

4. Dans quels cas les exhumations judiciaires ont elles lieu?

5. Lorsque les circonstances du fait de l'accident n'ont pu être déterminées, comment réglez vous les questions de suivie en droit civil?

6. Qu'est-ce qui constitute le viol en droit criminel? Quel âga diovent avoir la victime et le coupable?

7. Le Code Civil admet-il comme motif d'opposition son mariage, d'autre maladie que la démence? Indiquez les.

8. Quels sont les cas de nullité de mariage?

9. Quels sont les cas de séparation de corps?

10. La capacité de recevoir par donation ou legs est-elle subordonnée à l'évènement de la naissance ou de la conception?

11. Quelle différence faites vous entre l'avortement et l'infanticide?

12. Faut il que l'avortement ait et eu lieu pour que la femme ou son complice soit coupable?

SECOND AND THIRD YEARS.

CIVIL CODE.

Examinateur,.....PROF. RAINVILLE.

1. Comment des objets mobiliers peuvent-ils devenir immeubles par destination?

2. A qui appartiennent les isles et attérissements qui se forment dans les fleuves ou les rivières?

3. Quelles sont les obligations de l'usufruitier?

4. Comment s'éteint l'usufruit?

5. Quelles sont les personnes capables de tester?

6. Combien y a-t-il de formes de testament dans notre droit?

7. Quels biens peut-on donner par testament?

8. Le legs d'une chose qui n'appartiendrait pas au testateur est-il valide?

9. Comment un testament peut-il être revoqué?

10. Quelles sont les obligations de l'exécuteur-testamentaire?

SECOND AND THIRD YEARS.

INTERNATIONAL LAW AND COMMERCIAL SALE.

WEDNESDAY, MARCH 11TH:—3 TO 6 P. M.

Examiner,.....PROFESSOR KERR.

1. Give a definition of the Contract of Sale? What concurrence of elements is necessary? What is a Commercial Sale under the Law of Quebec?

2. Give the rules applicable to Commercial Sales of things lost or stolen.

3. What is the difference between the law of England and that of Quebec with reference to an offer to sell, with delay, to the person to whom such offer is made, to accept?

4. When was the Statute of Frauds passed? How was it introduced into this Province? How and in what manner has it been modified or changed?

5. State the difference between Acceptance and Receipt under the Statute of Frauds?

6. What must the memorandum in writing under Art. 1235 contain? How must it be signed? When must it be made?

7. What are the rights, privileges and immunities of Ambassadors? What are the rights, duties and privileges of Consuls?

8. What is the meaning of the word Extradition in International Law. What proceedings are necessary in order to obtain the Extradition of an offender seeking refuge in Canada after his commission of a crime in the United States?

9. What is the difference between private property on sea and on land belonging to either of the belligerents during war?

10. What law governs the interpretation of Wills or Contracts?

11. Can land in the United States be affected by a judgment pronounced in Canada? What is the effect upon land in foreign countries of an assignee being appointed to the bankrupt estate of the owner at the place of his domicile?

12. What is the *lex fori?* in what cases is it applicable as a general rule?

THIRD YEAR.

ROMAN LAW.

MARCH 17TH:—3 TO 6 P.M.

Examiner.....C. A. GEOFFRION, D.C.L.

1. Combien y a-t-il d'espèces d'obligations, et donnez la définition de chacune?

2. Quelle différence y a-t-il entre l'obligation conjointe et l'obligation solidaire, les stipulants dans ces sortes d'obligations peuvent-ils s'obliger à la même chose sous des modalités différentes?

3. Qu'entend-on par stipulations inutiles, et donnez en quelques exemples?

4. Expliquez ce qu'il faut entendre *par quasi contrat et quasi delit* et rapportez quelques-unes des principales dispositions de la loi *Aquilia*.

5. Qu'est-ce que le *mutuum* et le *commodatum*; à qui sont les risques de la chose dans l'un et l'autre contrat ?

6. Veuillez expliquer ce que l'on entend par mandat, ce que l'on peut faire et ne peut pas faire par mandataire, et en quoi il diffère du louage d'ouvrage ?

7. Expliquez en quoi différent la vente et l'échange et quelles sont les règles de droit applicables aux deux contrats ?

8. Qu'entendez-vous par *lex commissoria* ou pacte commissoire; avait-il lieu de plein droit ou faillait-il une stipulation expresse ?

THIRD YEAR.

LEGAL HISTORY.

FRIDAY, MARCH 6TH, 1874:—3 TO 6 P.M.

Examiners,..... { Professor LAFRENAYE.
E. LAREAU, Lecturer.

1. Dans quel ordre s'établissent les privilèges sur les biens meubles ?

2. Dans quel ordre s'établissent les créances priviligiées sur les immeubles ?

3. Quelle différence établissez vous entre le privilège et l'hypotheque; donnez la définition de l'un et de l'autre ?

4. Combien distingue t-on de sortes d'hypotheque; et donnez la definition de chacune d'elle ?

5. Quand l'action hypothecaire est elle admise et quel est son objet ?

6. Quelles sont les exceptions que le tiers détenteur peut opposer à celu qui poursuit hypothécairement; donnez la définition de ces diverses exceptions ?

7. Quels sont les droits exemptés de la formalité de l'enregistrement ?

8. Comment s'eteignent les privilèges et hypothèques ?

9. De combien de manières peut se faire l'enregistrement d'un acte et déterminez en la différence ?

10. Quelles sont les causes qui interrompent la prescription; quelles sont les causes qui suspendent le cours de la prescription ?

11. Nommez les courtes prescriptions.

12. Quelles sont les personnes contraignables par corps, et quelles sont celles qui ne tombent pas sous le coup de cette loi ?

THIRD YEAR.

CRIMINAL LAW.

WEDNESDAY, 4TH MARCH, 3 TO 6 P. M.

Examiners..... { Professor CARTER, Mr. ARCHIBALD.

1. Define a crime. What is a private wrong? State clearly the distinction between the two.

2. Define Statutory Law and Common Law, and show how they harmonize together.

3. Give a short account of the nature and scope of the Peel Acts. Were their provisions enacted in Canada? If so, by what acts and when?

4. Point out in detail the distinctions, as to the criminalty of an act, arising from the age of the person committing it, and the principle of law upon which they are founded.

5. Is a married woman acting in the presence of her husband, responsible for murder, larceny, keeping a house of prostitution? and give in each case the reasons of your opinion.

6. What degree of lunacy will exempt a man from responsibility for his acts? and lay down a rule governing the case.

7. Define "A principal in the first degree," "A principal in the second degree," "An accessory before the fact," and "An accessory after the fact."

8. Define the crime of counterfeiting, and to what extent must the counterfeit coin resemble current coin to constitute the offence?

9. Define Piracy, and mention the principal acts which constitute that offence.

10. Define Murder, Manslaughter, Burglary, Arson, Larceny, Embezzlement, and Obtaining under False Pretences.

11. What is the nature and intent of punishments? and discuss shortly the question as to the right of the legislature to inflict capital punishment.

12. What is meant by Benefit of Clergy. How did it originate, and when was it abolished?

13. What was the original meaning of the word felony, and state how that signification has been changed, and point out an important change in procedure, resulting from such change.

14. Are there any circumstances in which intoxication may be pleaded in palliation of an offence? If so, what are they?

15. What is a libel? What acts will amount to a publication? Can the Defendant plead the truth of the publication? and give reasons for your opinion. Is there any difference between the civil and criminal action in relation to this matter? and give reasons for such difference.

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* The first ten questions are for the ordinary examination, the whole paper for the medal.

THIRD YEAR.

CIVIL PROCEDURE.

MONDAY, MARCH 9TH :—3 TO 6 P.M.

Examiner, ...PROFESSOR GONZALVE DOUTRE, D.C.L.

1. Qu'est-ce qu'un désistement et quand l'employez vous?

2. Quand le délaissement peut-il avoir lieu en justice?

3. Quelle différence faites vous entre un Bref de *Mandamus* et un Bref de *Quo Warranto.*

4. Quelle est la procédure pour obtenir un jugement final de séparation des biens?

5. Quelle est la différence entre un jugement de ratification de titre et un décret du Shérif?

6. Qu'est-ce que la ventilation?

7. Qu'est-ce qu'une action en bornage et que faut-il faire pour que les frais d'action soient à la charge du défendeur?

8. Combien d'enchères aux ventes ou licitations judiciaires?

9. Comment procédez vous au partage et licitation des biens en commun?

10. Quelle différence existe-t-il entre le texte anglais et le texte français dans le Code de Procédure au sujet des poursuites entre locateurs et locataires?

11. Quand l'avocat doit-il être muni d'une procuration spéciale pour procéder?

12. Si le notaire refuse de déposer en Cour l'acte impugné de faux comment l'y contraindrez-vous?

EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL.

TUESDAY, MARCH, 17TH :—6 TO 7 P.M.

Examiner,.....PROFESSEUR C. A. GEOFFRION, B.C.L.

1. Exposez en peu de mots le Droit des Douze Tables concernant la puissance paternelle, les Testaments et les Successions légitimes, avec les modifications graduelles que leur ont fait subir la civilisation et le développement de la science légale ?

2. Que faut-il entendre par *agnati et cognati, justæ nuptiæ et concubinatus, adoptio, adrogatio et emancipatio ?*

3. Qu'était-ce que le domaine quiritaire ; quelle espèce de biens en étaient susceptibles, ces biens étaient-ils régis par d'autres régles que le reste des biens des citoyens Romains ?

4. Quelles étaient les différentes espèces de tutelles et dans quels cas chacunes avaient-elles lieu ?

5. Résumez le droit des Successions *ab intestata*, et comparez-le avec le Droit Canadien en indiquant les dispositions analogues dans chaque droit ?

EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL.

COMMERCIAL LAW.

MONDAY, MARCH 16TH :—6 TO 7 P.M.

Examiner,.....PROF. WURTELE, Q.C., B.C.L.

1. What is the liability and what are the rights of a debtor consenting to be delegated ?

2. What is the rule of imputation with respect to payments made to a partner by a person who is a debtor of both the partner and the firm ?

3. What is the power of amotion ; and for what causes and how can it be exercised ?

4. What are the rights of the holder of a dishonored cheque ?

5. How is the sale and transfer of a ship made and perfected ?

6. What are the rights of the master in default of payment of his freight ?

EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL.

WEDNESDAY, MARCH 11TH :—3 TO 6 P.M.

Examiner,.....PROFESSOR KERR.

1. Give a definition of Private International Law.

2. What is the reason inducing Courts in one country adjudicating upon contracts made and to be performed in another to take into consideration the Law of that other country?

3. What is the Right of Jurisdiction of a State; to what objects does it extend, and over what individuals have its laws power?

4. What is the theory recognized with respect to the public and private ships of the State on the ocean, or in a foreign port?

5. In sales by brokers what constitutes the Memorandum in writing? Who signs such Memorandum? Can there in such sale be such a variance in what constitutes the Memorandum as to destroy its effect.

6. What is the Vendor's Lien? When does it exist? When is it extinguished?

3. Compare the respective merits of the Dial and the Theodolite, as underground surveying instruments.

4. In how many ways can the underground be connected with the surface survey?

5. Exhibit a form of note-book suitable for underground work.

6. Illustrate, by means of an isometrical view on a scale of $\frac{1}{10}$ in. to a foot, the "Post and Stall" method of working a coal mine.

FACULTY OF LAW.

FIRST YEAR.

COMMERCIAL LAW.

Examiner,.....PROFESSOR WURTELE, Q.C., B.C.L.

OBLIGATIONS.

1. What are the essentials of an obligation?

2. What persons are incapable of contracting?

3. Explain the difference between the incapacity of married women and that of minors?

4. What is fraud, and when is it a cause of nullity?

5. From what contracts is a minor who has attained the age of discernment not relievable?

6. What is the effect of a contract for the purchase of a thing which is indeterminate?

7. What obligation rests upon him who unduly receives anything; and explain the difference in his liability when he was in good faith and when he was in bad faith?

8. To what does a breach of obligation render the debtor liable; and in such case what are the rights of the creditor?

9. To what damages is a debtor liable; and what is the effect of a certain sum being stipulated for damages in a contract?

10. What is a term; and when does a debtor lose its benefit?

FIRST YEAR.

CIVIL PROCEDURE.

Examiner,.....PROFESSOR DOUTRE, D.C.L.

1. Quand la profession d'avocat a-t-elle été introduite en Canada?

2. Comment les parties comparaissaient-elles devant les tribunaux sous la domination française?

3. Quand les notaires ont-il commencé à pratiquer leur profession dans cette Colonie?

4. Quels étaient les divers tribunaux en existence sous la domination 5française tant au Civil qu'au Criminel ?

5. La haute, moyenne et basse justices ont-elles été administrées séparément par les seigneurs sous la domination française, et indiquez en quoi leurs attributions consistaient ?

6. Indiquez depuis quant et comment la profession d'avocat s'est constituée en corporation ?

7. La profession d'avocat a-t-elle des règles particulières pour ce qui se rapporte à ses devoirs, si oui, indiquez-en les sujets principaux ?

8. Veuillez indiquer par leurs noms seulement les divers tribunaux en existence sous le Code de Procédure ?

9. Quelles sont les attributions d'un Commissaire de la Cour Supérieure et comment le nommez-vous ?

10. Devant quel tribunal assignez-vous un défendeur ?

FIRST YEAR.

CIVIL LAW.

Examiner.....PROFESSOR RAINVILLE.

1. Qui est sujet britannique ?

2. Quels sont les effets de la mort civile ?

3. Que doit contenir l'acte de célébration de mariage ?

4. Où est le domicile du mineur ? Où est celui de la femme mariée ?

5. Quelles personnes peuvent demander l'envoi en possession provisoire des biens d'un absent ? Quant et devant quel tribunal ?

6. Le conjoint de l'absent peut-il se remarier s'il s'est écoulé cent ans depuis la naissance de ce dernier ?

7. Dans quels cas la femme mariée peut-elle agir sans l'assistance ou l'autorisation de son mari.

8. Quelles sont les causes qui donnent droit à la séparation de corps ?

FIRST YEAR.

LEGAL HISTORY.

Examiner.....MR. LAREAU.

1. A quelle année date l'introduction du droit français, ou de la Coutume de Paris, dans le Canada.

2. Quelles sont les sources principales du droit canadien.

3. Qu'entendez-vous par édit, déclaration et ordonnance des rois de France.

4. Nommez les grandes ordonnances qui ont été publiées au XIVe siècle, avec la date respective de leur publication.

5. Quel est l'objet de l'ordonnance de 1667, et à quelle date se rapporte son enrégistrement au Conseil Supérieur de Québec.

6. Veuillez décrire les principaux rouages du système judiciaire sous la domination française.

7. A quelle année remonte l'acte de Québec, et énumérez les principales dispositions de cette loi et celles de l'acte constitutionnel de 1791.

8. Enumérez les principales questions qui ont été débattues dans l'ancien Parlement de Québec (1791-1840), et dans le Parlement-Uni (1840--1867).

9. Quels sont les principaux changements constitutionnels ou formes de gouvernement qui se sont succédés depuis l'établissement de la colonie jusqu'à 1759.

10. Enumérez les différentes formes de gouvernement qui se sont succédées depuis 1859 jusqu'à 1867.

11. Dites ce que vous connaissez de *l'Extrait des Messieurs.*

12. Comment s'établit le chiffre de la représentation en vertu de l'acte constitutionnel de 1867, et comment s'opère la réduction et l'augmentation de la députation dans chaque province de la Puissance du Canada.

FIRST YEAR.

ROMAN LAW.

Examiner.....C. A. Geoffrion, B.C.L.

1. Nommez les principaux jurisconsultes Romains avant Justinien, ainsi que quelques-uns de leurs ouvrages qui nous sont parvenus.

2. Donnez en peu de mots l'historique du *Corpus juris Civilis* ainsi que ses principales divisions.

3. Expliquez la différence entre *plebiscitum*, *senatus-consultum*, et *lex.*

4. Définissez le droit naturel, le droit des gens et le droit civil, tels qu'expliqués dans les Institutes.

5. Que faut-il entendre par personne ; tous les hommes sont-ils des personnes ?

6. Quelles sont les personnes qui dépendent d'elles-mêmes ou d'autrui ; *sui vel alieni juris?*

7. Pouvait-on contracter mariage de différentes manières à Rome ; définissez chacune de ces manières et leurs effets civils ?

8. Que faut-il entendre par adoption et adrogation ; quelle était la différence entre ces deux modes d'acquérir la puissance paternelle ?

9. Qu'étaient les *agnati* et les *cognati?*

10. Combien y avait-il d'espèces de tutelles à Rome ; expliquez la nature chacune en peu de mots ?

SECOND YEAR.

ROMAN LAW.

Examiner,..... .....C. A. GEOFFRION, B. C. L.

1. Qu'entendez-vous par choses communes, publiques, qui n'appartiennent à personne (*res nullius*) ?

2. Citez quelques modes d'acquérir par accession.

3. De combien d'attributs se compose le droit de propriété ; peuvent-ils exister séparément en faveur de différentes personnes?

4. Qu'est-ce que les servitudes ; en combien de classes se divisent-elles ?

5. Quelle différence établissez-vous entre le droit d'usage et l'usufruit ?

6. Définissez les choses *mancipi* et *nec mancipi* ; à quelles de ces choses s'appliquaient l'usucapion et la prescription ?

7. Expliquez les formalités essentielles au testament tripartite?

8. Qu'était-ce que la *querela inofficiosi testamenti* et quand avait-elle lieu?

9. Que faut-il entendre par faction active et faction passive de testament?

SECOND YEAR.

CONSTITUTIONAL LAW AND HISTORY.

Examiner,..... ....MR. ARCHIBALD.

1. Is allegiance due to the person or to the office of the Sovereign, and give reasons and authorities for your opinion ?

2. Can a British subject abandon his status as such ? If so : how ? State the changes in the law, in this respect, since the Code.

3. Give an outline of the form of government among the early Saxons, and of the functions and powers of the Wittanageunt.

4. Give a descriptive statement of responsible government, pointing out the principal points of difference between it and prerogative government ?

5. About what date was the necessity of unanimity in the Cabinet recognized, and point out some of the results to which this principle leads?

6. What is the earliest trace of popular election of representatives to serve in Parliament, and when did such election become a fixed principle of the Constitution?

7. What is the measure of responsibility, if any exist, of one cabinet minister for the acts of another: 1, under prerogative government; 2, under responsible government?

8. What are the principal prerogatives of the Sovereign under our form of government?

9. What is the relation of our Federal and Local Parliaments to each other with regard to legislation?

10. Are our Courts of Justice bound by every Act not repealed or disallowed which may be passed either by the Local or Dominion Parliaments? and point out distinctions if any exist.

11. Give a short resumé of the procedure in Parliament upon a contested Private Bill.

SECOND AND THIRD YEARS.

COMMERCIAL LAW.

Examiner, ...PROFESSOR WURTELE, Q.C., B.C.L.

MERCHANT SHIPPING.

1. Give the principal Statutes regulating this subject?

2. How is a British ship divided, and how can it be owned?

3. How is a British ship registered?

4. What are the privileges of a British ship?

5. What is the liability of owners, and what statutory limitation exists in their favor

6. In cases of collision, by whom and how is the loss borne?

7. When can the master bind the owner; when does he incur personal liability; and when can he sell the cargo and even the ship?

8. What is a charter party?

9. What right and privilege has the master when the freight is not paid?

10. To what does a consignee subject himself towards the master when he receives goods conveyed?

SECOND AND THIRD YEARS.

INTERNATIONAL LAW AND INSURANCE.

Examiner ..... PROFESSOR KERR.

1. What is general average? What is the difference between general and particular average?

2. When does a general average contributien arise? Who are the parties liable therefor?

3. What is jettison? To what rights does jettison give rise?

4. In life insurance what species of interest, if any, is required to exist in favor of the insured?

5. Can a creditor insure the life of his debtor? if so; state under what circumstances, and in the event of payment by the debtor of the debt in question, does the insurance remain valid?

6. What is the difference between a warranty and a representation in insurance policies?

7. Where there are three different policies of Marine insurance in existence on the same object the first of which fully covers the value of the article insured, what becomes of the other two policies, are they liable to contribute or not?

8. What is abandonment? How is it effected? What effect does it produce?

9. In a policy of fire insurance, can the insured generally declare merely that he is interested in the object insured, or must he specify his interest?

10. Does the value for which the goods are insured under a policy of fire insurance prove conclusively that value, if nay, state what should be done by the insured under the circumstances?

11. What is the difference between bottomry and respondentia?

12. What is the main condition upon which bottomry bonds are entitled to payment in preference to other securities, held by other creditors? If there be three bottomry bonds validly granted on the same vessel which of the three is entitled to payment in the first instance?

SECOND AND THIRD YEARS.

CIVIL PROCEDURE.

Examiner.....PROFESSOR DOUTRE.

1. Veuillez indiquer la juridiction des tribunaux en existence dans la Province de Québec ?

2. Quels sont les jours ou vous pouvez ou vous ne pouvez pas procéder devant les tribunaux ou plutôt qu'entendez-vous par jours fériés et jours non fériés ?

3. Qu'est-ce que procéder *in formâ pauperis ?*

4. Indiquez les règles du Code de Procédure relativement à ce qui est requis pour assigner le ou les défendeurs, quant à la signification du Bref ?

5. Qu'est-ce que l'élection de domicile relativement à la partie assignée et au procureur ?

6. Combien d'exceptions préliminaires, et en quoi consistent-elles ?

7. Combien de faux, et indiquez la procédure dans chacun ?

8. Combien y a-t-il de modes d'Enquête ?

9. Dans quel cas le procès par jury a-t-il lieu ?

SECOND AND THIRD YEARS.

CIVIL LAW.

Examiner.....MR. LAREAU.

1. Dans quel ordre s'établissent les privilèges sur les biens meubles et sur les biens immeubles.

2. Quelles sont les exceptions que le tiers-détenteur peut opposer à celui qui poursuit hypothécairement ; donnez la définition de ces dernières exceptions.

3. Qu'est-ce que l'hypothèque, en combien d'espèces se divise-t-elle, et donnez la définition de chacune d'elle.

4. Quels sont les principaux effets de l'action hypothécaire.

5. Comment s'éteignent les privilèges et hypothéques.

6. Qu'est-ce que la prescription et qu'entendez-vous par prescription acquisitoire et prescription libératoire.

7. Comment se règle la prescription en fait d'immeubles et en matière de biens meubles.

8. Qu'est-ce que la possession et dans quelle condition peut-elle servir de bâse à la prescription.

9. Quelles sont les causes légales qui empêchent la prescription.

10. Qu'entendez-vous par interversion de titre, et dans quels cas cette interversion peut-elle créée une possession utile à la prescription.

11. Quelles sont les choses imprescriptibles de leur nature.

12. Quelles sont les causes qui interrompent ou suspendent la prescription.

THIRD YEAR.

ROMAN LAW.

Examiner.....C. A. GEOFFRION, B.C.L.

1. Expliquez l'ordre et le système des successions légitimes à Rome ; le mode de compter les dégrés de parenté, et dites si ce mode diffère de celui consacré par notre Code Civil.

2. En combien de classes étaient divisées les personnes ; à qui donnait-on un tuteur ou un curateur et quelle était la durée de la tutelle ou de la curatelle ?

3. Quelle était l'étendue de la puissance paternelle, par qui et sur qui s'exerçait-elle et comment était-elle dissoute ?

4. Le droit de propriété s'exerçait-il toujours de la même manière à Rome ; y avait-il des choses qui étaient susceptibles d'un domaine particulier et quelle était la manière d'acquérir et d'aliéner ces dernières ?

5. En combien d'époques différentes l'histoire du Droit Romain peut-elle se diviser ; donnez les principales sources du droit à chacune de ces époques?

THIRD YEAR.

CIVIL LAW.

Examiner.....PROFESSOR RAINVILLE.

1. Quand commence la communauté de biens entre époux ?

2. Les meubles tombent-ils dans la communauté ?

Quid, d'une créance alternative ?

3. Quand le remploi, est-il parfait à l'égard de la femme ?

4. Contre qui et contre quels biens les créanciers de la femme, antérieurs au mariage, ont-ils recours ?

5. Quels sont les obligations de la femme séparée de biens quant aux charges du mariage ?

6. Quels sont les droits de la femme qui renonce à la communauté ?

7. Quelle est la différence entre la séparation de biens et l'exclusion de communauté ?

8. La femme peut-elle s'obliger pour son mari ? quels sont ses droits si elle exécute son obligation, v. g. si elle paye ?

THIRD YEAR.

CRIMINAL LAW.

Examiner, ... MR. ARCHIBALD.

1. Define a crime. In what respect does it differ from a private wrong?

2. Classify crimes, and give a description of each class.

3. Give a minute definition of the term *malice* as used in criminal law.

4. Give a statement of the law in cases where an act in itself criminal is committed by a person labouring under some defect of will, pointing out the different classes of such cases.

5. What degree of insanity will exempt from criminal responsibility? and lay down a rule to govern such cases.

6. What is an accessory before the fact? What is an accessory after the fact?

7. Are there any crimes in the commission of which there can be no accessories ? and if so, state your reasons.

8. Point out the distinction between murder and manslaughter.

On a trial for murder, what pleas may be urged to reduce the crime to manslaughter ?

9. What are the principal special pleas by which an indictment may be met, and under what circumstances may each be pleaded ?

10. What is a challenge to the array, and for what causes may it be sustained ?

11. How many peremptory challenges are allowed to the Crown and the prisoner, respectively, in a trial for murder ? How many in a trial for obtaining goods under false pretences ?

12. What is understood by the right of the Crown to order jurors to stand aside ? Has the private prosecutor this right in all cases ? If not, mention any exceptions that may occur to you.

13. What are the duties of a justice of the peace in relation to indictable offences ?

14. Are there any crimes for which bail cannot be accepted ? State the different methods of obtaining bail in different cases.

15. What is the duty of a grand jury with reference to a bill of indictment?

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* The first 10 questions for the ordinary examination, the whole paper for the medal.

EXAMINATION FOR THE ELIZABETH TORRANCE GOLD MEDAL.

COMMERCIAL LAW.

Examiner,.....PROFESSOR WURTELE, Q.C., B.C.L.

1. When must a divisible obligation be performed as if it were indivisible?

2. How are partners liable towards third persons?

3. What are the principal privileges and disabilities of corporations?

4. What are the rights of the holder of a cheque, and to what does want of diligence expose him?

5. How can a mortgage be given upon a ship, and what are the rights of the mortgagee?

6. What is a Bill of Lading, and what is the effect of its transfer by endorsement and delivery?

FACULTY OF MEDICINE.

M.D., C.M., PRIMARY EXAMINATION.

ELEMENTARY BOTANY.

SATURDAY, DECEMBER 12TH :—MORNING 9 TO 12.

Examiner,.....J. W. DAWSON, LL.D., F.R.S.

1. Describe an ordinary parenchymatous cell and the mode of thickening of the cell-wall.

2. Mention the substances found in the cell-sap of plants—(1) in solution, (2) in the solid state; and state which are most important to the plant, and why?

3. Name the kinds of vascular tissue, and describe one of them.

4. Explain the division of plants into Cormophytes and Thallophytes; Phænogams and Cryptogams.

5. Explain the structure and functions of the Leaf.

6. Describe the Exogenous stem, and state how it differs from the Endogenous and Acrogenous.

7. Explain Phyllotaxis, and state its principal kinds.

8. Explain the sources of the food of plants, with special reference to their organic part.

9. State the more important relations of the plant to the soil, with reference to inorganic matters.

10. Explain any two of the following terms:—(a) Parasite, (b) Osmose, (c) Stolon, (d) Liber, (e) Phyllodia.

BOTANY.

SATURDAY, MARCH 6TH :—MORNING, 9 TO 1.

Examiner,..... J. W. DAWSON, LL.D., F.R.S., &c.

1. What are Cellular Structures as distinguished from Vascular? Give examples.

2. Describe Prosenchymatous Tissue, with examples, and state its mode of formation.

3. Describe the structures in the blade of the leaf.

4. Explain the relations of Carbonic Acid and Ammonia to the nutrition of the plant.

METEREOLOGY.

MONDAY, APRIL 17TH:—MORNING, 10 TO 12.

Examiner,.....C. H. MCLEOD, BAC. APP. SC.

1. Explain the construction of an ordinary rain gauge and how it is used.

2. Explain the construction of the barometer, and state the corrections which are necessary in order that observations made at different stations may be intercomparable.

(*a*) How is this instrument used in the measurement of heights?

3. How would you graduate a thermometer, and what precaution is necessary in order that the same volume of mercury may at all temperatures represent an equal number of degrees?

4. Define "dewpoint."

(*a*) How can this be determined?

(*b*) Explain the construction of an instrument used for measuring the amount of moisture in the air.

5. How is dew formed?

6. Why does the barometer fall under a cloud?

7. Describe a recording anemograph.

8. The temperature of the air is 42·6 and that of the wet bulb thermomeerfifrom Guyot's tables the corresponding pressure of aqdtuos u 38 .n5; vapour and relative humidity.

FACULTY OF LAW.

FIRST YEAR.

COMMERCIAL LAW.

Examiner.....PROFESSOR WURTELE, Q.C., B.C.L.

OBLIGATIONS.

1. What conditions are requisite in all cases for the validity of a contract, and of the obligations arising from it?

2. Give the principal divisions of contracts.

3. What persons are legally incapable of contracting?

4. What is fraud, and when is it a cause of nullity?

5. When is error a cause of nullity?

6. Who may impeach contracts alleged to be fraudulent; and within what time must it be done?

7. What is the effect of a contract for the alienation of property?

8. When can a party stipulate for the benefit of a third person, and when does such stipulation become irrevocable?

9. On whom lies the burden of proof in an action to recover a payment alleged to have been made through error?

10. What is the measure of damages,—first, in obligations where the object is not a sum of money; and secondly, in obligations where the object is a sum of money?

FIRST YEAR.

CIVIL LAW.

Examiner,.....PROFESSOR RAINVILLE.

1. Par quelle loi sont régis les biens-meubles ?

2. Par quelle loi sont régis les actes ?

3. Quels sont les effets de la mort civile?

4. Où doit être célébré le mariage ?

Que doit contenir l'acte de mariage ?

5. Où est le domicile du mineur ?

6. Quels sont les droits de l'absent qui reparaît 1. contre l'envoyé en possession ; et 2. contre les tiers qui ont contracté avec l'envoyé en possession ?

FIRST YEAR.

ROMAN LAW.

Examiner.....PROFESSOR TRENHOLME, M.A., B.C.L.

1. What are some of the things that give importance to the study of Roman law, and render it properly a part of a university course in law?

2. What are the chief matters treated of in the history of Roman law?

3. En combien de périodes divise-t-on l'histoire du Droit Romain: expliquez les évènements politiques et constitutionnels qui distinguent ces diverses périodes?

4. Give some account of the great Roman magistracies, the time and mode of their origin, and particularly of the Prætorship.

5. Quelles ont été les principales sources du droit depuis les XXII. Tables jusqu'à Justinien, et definissez ce qu'il faut entendre par les sources du droit que vous avez a énumér? Quelles étaiènt les *leges valeriae?*

6. Give some account of the mode of Government and administration of Justice in the Roman Provinces in the time of Cicero; and state by what means chiefly did Roman jurisprudence become assimilated throughout the Empire?

7. What are the great agencies in the amelioration of law? give some account of their operation in Roman Law, and state the periods at which they respectively acted thereon.

8. Faites l'historique des differentes tentatives de codifier les lois romaines. Quels sont les principaux caractères distinctifs des differentes parties du *Corpus Juris Civilis?*

9. Give as full an account as you can of the influence of Greek Philosophy on Roman Law, and of the time and mode of that influence.

10. What were some of the causes of the superiority of Roman Law?

11. What was the nature and what the causes of the change in the Roman Constitution known as the Servian Constitution, and what means have we of forming any judgment in this matter?

12. Give some account of the principal Schools of Law.

13. What are the great natural family relations, and what their artificial extensions in Roman Law, and in Modern Law?

N.B.—The first 9 questions are for the ordinary examination: all for honors.

FIRST YEAR.

LEGAL HISTORY.

Examiner,.....M. LAREAU.

1. Quelles sont les principales sources du droit Canadien?

2. Comment se composait le droit commun de la France avant 1663?

3. Quelles sont les principales ordonnances des Rois de France émanées au XVI. siècle, et énoncez les principales dispositions qu'elles renferment?

4. A quelle date remonte la création du Conseil Supérieur de Québec; dites ce que vous savez de sa composition, de ses pouvoirs, privilèges et attributions, et des modifications apportées par la suite à sa composition?

5. Dites ce que vous savez de l'organisation judiciaire sous la domination française?

6. Rapportez les principaux évènements diplomatiques, administratifs et judiciaires qui se sont passés dans la colonie, ou relativement à la colonie, à partir de 1759 jusqu'à 1764.

7. Quelle est la forme de gouvernement qui régit le Canada de 1764 à 1774.

8. Quels sont les changements que l'acte de Québec de 1774 apporta dans l'administration du Canada, et quelle est la forme de gouvernemant qui prévalût dans la colonie de 1774 à 1791.

9. Quelles sont les principales clauses de l'acte constitutionnel de 1791 et veuillez mentionner l'objet des luttes parlementaires les plus importantes à partir de 1791 jusqu'à 1840.

10. Quelles sont les principales clauses de l'acte d'Union et veuillez mentionner l'object de luttes parlementaires les plus importantes à partir de 1840 jusqu'à 1867.

FIRST AND SECOND YEARS.

LEGAL HISTORY.

Examiner,.....M. LAREAU.

1. De quoi se compose l'ensemble de la bibliographie du droit Canadien.

2. Quelles sont les grandes écoles du droit français et énumérez les noms de leurs principaux chefs?

3. Quels sont les droits et obligations du locateur.

4. Quels sont les droits et obligations du locataire.

5. Quelles sont les responsabilités du voiturier par terre et par eau.

6. Quels sont les effets du contrat de rente viagère.

7. Mentionnez les effets du cautionnement entre le créancier et la caution?

8. Mentionnez les effets du cautionnement entre le débiteur et la caution.

9. Mentionnez les effets du cautionnement entre les cofidejusseurs.

10. Quels sont les droits du créancier gagiste.

SECOND YEAR.

CONSTITUTIONAL LAW.

Examiner,.....MR. ARCHIBALD.

1. What are the main differences between prerogative and responsible government?

2. Give an account of the growth of the principle of popular representation in the House of Commons with dates.

3. What were the principal powers and functions of the Saxon Wittenagemot?

4. What was the mode of accession of the Saxon Kings and the powers of the Wittenagemot with regard to them?

5. At what time did Unanimity in the Cabinet become a fixed principle of the Constitution, and give the names of the principle statesmen instrumental in establishing it?

6. Give an account of the principal events which led to the Confederation of the Provinces constituting the Dominion.

7. What are the principal legislative powers of the Federal Parliament?

8. What are the principle legislative powers granted exclusively to the Local Parliament of the Province of Quebec?

9. What are the functions of the Federal and Local Legislatures respectively with regard to the Constitution of the Courts, the appointment and payment of the judges and the establishment of rules of Procedure?

10. What are the respective powers of the Local and Federal Legislatures with relatlon to education.

SECOND AND THIRD YEARS.

CIVIL LAW.

Examiner,.....PROFESSOR RAINVILLE.

1. Où s'ouvre une succession ?

2. Quelles sont les qualités requises pour succéder ?

3. Dans quels cas la représentation a-t-elle lieu en ligne directe ?

4. Dans quels cas les neveux et nièces viennent-ils par représentation à la succession de leur oncle ?

5. Dans quels cas les créanciers d'un héritier peuvent-ils faire rescinder sa renonciation d'une succession ? quel est l'effet de l'annulation de cette renonciation ?

6. Quel est l'effet de l'acceptation d'une succession sous bénéfice d'inventaire ?

7. S'il y a plusieurs héritiers et plusieurs légataires universels comment contribuent-ils au payment des dettes de la succession ?

8. Quelle sont les effets du partage entre co-héritier ?

SECOND AND THIRD YEARS.

INTERNATIONAL LAW AND COMMERCIAL SALES.

Examiner.....PROFESSOR KERR.

1. What elements must concur in order to constitute a valid sale?

2. Into what classes are commercial sales divided? Give examples of each class.

3. What is the general rule as to the species of evidence required to prove the existence of a contract for the sale of goods, wares, and merchandise? What is the exception to that rule? By what provision of law is it made?

4. What is a warranty? What is the difference between express and implied warranties?

5. What difference is there between a condition and a warranty?

6. What is a vendors lien? In what cases does it exist? How is i lost?

7. What is stoppage in transitu? How is that right exercised and when does it cease to exist?

8. If the vendor neglects to perform his part under an executory contract of sale, what course should the vendee pursue to enable him to recover damages for such breach of contract?

9. If the vendee neglects to perform his part under a like contract, what should the vendor do to enable him to recover damages?

10. If fraud has been practised by the vendor, is the contract void or voidable?

11. What constitutes a reservation of the *jus disponendi*? What effect has such reservation?

12. Can articles stolen or lost, purchased in good faith, be retained by the vendee? Explain the law on this subject.

SCOND AND THIRD YEARS.

CIVIL PROCEDURE.

Examiners..... { PROFESSOR DOUTRE, D.C.L.
M. HUTCHINSON, B.C.L.

1. Can the Court or Judge on being satisfied by affidavit that a party has a good cause of action, grant leave to proceed in *forma pauperis* in every case? If not, in what case is the Court or Judge unable to do so?

2. How many kinds of preliminary exceptions are there? Give the nature of each, and state when they can be pleaded?

3. What is a demurrer and when can it be pleaded by the Plaintiff and Defendant respectively?

4. In the case of a Defendant being sued on a promissory note, the signature to which has been forged, can he throw the burden of proof of the genuineness of the note on the Plaintiff? If so, how and when is it done?

5. How may the taxation of a witness be enforced, and against whom?

6. Under what circumstances can a *commission rogatoire* be issued, and how are the Commissioners chosen when both parties join in the commission.

7. In what actions may a trial by jury be had, and at what stage of the case must the motion for such a trial be made?

8. How many names of jurors are submitted by the Prothonotary from which to strike the panel? How is the panel struck? How many jurors are summoned to try the cause? How many are chosen? And how many are sufficient to carry a verdict?

9. When and before what Court can the party in whose favor a verdict has been rendered move for judgment on the same?

10. By what means can a motion for judgment on the verdict be opposed?

11. How is the continuance of a suit effected when one of the parties has lost the quality under which he was acting?

12. When and how does peremption of a suit take place? and what it the effect of it on the right of action?

SECOND AND THIRD YEARS.

COMMERCIAL LAW.

Examiner,.....PROFESSOR WURTELE, Q.C., B.C.L.

PARTNERSHIP.

1. What conditions are essential in a Contract of Partnership?

2. How do partners share when there is no agreement about the division of profits and losses?

3. How are partners liable for the obligations of the partnership?

4. Give the different kinds into which partnerships are divided and subdivided.

5. How and when can a partnership not limited as to duration be dissolved?

CORPORATIONS.

6. Give the definition of a Corporation.

7. Give the divisions of Corporations.

8. How are Corporations created?

9. What are the ordinary incidents of Corporations?

10. What are the ordinary disabilities of Corporations; and to what extent has the law prohibiting the acquisition of real estate by Corporations without the permission of the Crown, been amended with respect to Trading Companies?

THIRD YEAR.

ROMAN LAW.

Examiner.....PROFESSOR TRENHOLME.

1. What are primary and what are sanctioning rights? Point out the difference fully between *jura in rem* and *jura in personam*, and the subjects to the Institutes comprehended under each.

2. Give some account of the early history of the law of property and of the agencies that tended to its amelioration.

3. What were the different kinds of *Testamenta* in Roman Law, the requirements of each, and the periods they were in use respectively?

4. How many kinds of Wills in our law, and what is the origin of each?

5. What was the law of abintestate succession under the old civil law of the Romans, and what were some of the changes it underwent in the hands of the Prætor, and of Justinian respectively?

6. Define evidence: what are its different kinds, and some of the leading rules governing its adduction. What were the different kinds of written evidence known to the Roman Law; and what in our law? and point out differences as to manner of proof or disproof.

7. Give some account with dates of the limitations put on parol evidence and state fully what may and what thi.gs may not be proved by parol under our law.

8. What was the law of evidence in this Province at the time of the Cession, and give an historic sketch of the changes therein since, mentioning dates and statutes. Is any part of the Statute of Frauds law with us and if so, how was it introduced?

9. Give some account of the different epochs in the growth of Law, the nature of Law in each, and the importance of early codes? Describe the great agencies in the amelioration of Law—particularly of Roman Law.

10. What was the *jus gentium* of earlier and later Roman Law, how was it formed, and point out some of its influence on Roman jurisprudence and in modern times?

11. Give an historic account of the development of the law of contract, and describe, in order of time, the different *contractus nominati.* What are the *contractus innominati?*

12. What was an *obligatio naturalis*, and what efficacy, if any, had it in Roman Law? What in our Law?

13. How do you account for the superiority of Roman Law?

N.B.—The first 10 questions for ordinary, all for honors.

THIRD YEAR.

CRIMINAL LAW.

Examiner.....MR. ARCHIBALD.

1. Define a crime; and give the distinction between crimes and private wrongs.

2. State the rules of law with regard to the responsibility of married women for criminal offences.

3. What is the scope of the maxim—"*Malitia supplet ætatem;*" and what exceptions are there to this rule?

4. What are the different kinds of dementia? and state the effect of each as regards responsibility for criminal actions.

5. What is the distinction between an accessory before the fact, and a principal in the second degree?

6. Define murder and manslaughter; and what is the distinction between them?

7. Define *malitia*, as used in criminal law.

8. Give a rule limiting the Admiralty jurisdiction in bays and the mouths of rivers.

9. What is counterfeiting; and to what class of offences does it belong?

10. Define burglary; and show particularly in what places it may be committed; and point out any changes in the law relating to it.

11. How many peremptory challenges are allowed to the prisoner in the different classes of crimes?

12. Are all offences bailable; and how may bail be obtained in the different classes of offences?

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1. How can a minor enforce his right before our courts.

2. Under what conditions can a public officer be sued for damages by reason of any act done by him in the exercise of his functions?

3. What must a fiat for a writ of summons contain?

4. How do you describe a corporate body in a writ of summons?

5. In how many different ways can you summon before our courts a defendant residing in Nova Scotia, and what are the formalities to be observed in so doing?

6. Suppose a demand of plea be served upon a defendant on a Thursday, on what day can you foreclose him from pleading?

7. How many kinds of preliminary exceptions are there; give the natur- of each, and state when they can be pleaded?

8. What is a demurrer? Give an example.

9. In what cases can a plaintiff make an incidental demand?

10. What is the effect of neglecting to answer interrogatories upon articulated facts; and which party bears the expense of them?

11. In the case of a defendant being sued on a promissory note, the signature to which has been forged, can he oblige the plaintiff to prove the genuineness of the note, if so, how and when is it done?

12. Can a witness be examined in a cause before it is inscribed for proof, if so, how and under what circumstances?

Ba. App. Sc. EXAMINATION.

MINING.

Saturday, April 20th:—Morning, 9 to 12.

Examiner,.....B. J. Harrington, B.A., Ph.D.

1. Point out some of the principal differences commonly observed in the composition of metalliferous veins at different depths and along their strike.

2. For the purposes of mining, what are regarded as thick and what as thin lodes? Describe the cross-cut method for the exploitation of the former.

3. State the conditions which determine the dimensions and site of a shaft, and describe the method of Kind & Chaudron for sinking and tubbing shafts in watery ground.

4. Describe fully the different parts of the timbering of a gallery, and state under what conditions the timber is usually found to last longest.

5. Describe the man-engine, pointing out its advantages as compared with other appliances for raising miners in shafts.

6. State the circumstances under which overhand or underhand stoping may be followed with most advantage.

7. What are the best forms and dimensions of rails for under-ground roadways.

8. Point out the differences between slow and shattering explosives, and state in what cases the one or the other may be used most advantageously.

9. Describe the construction and use of a rotatory buddle and a shaking table.

10. Explain the following terms: Hade, attle, balance-bob, plunger, nog and gob.

MIDDLE YEAR.

ASSAYING.

FRIDAY, APRIL 26TH:—MORNING, 9 TO 11.

Examiner,.....B. J. HARRINGTON, B.A., PH.D.

1. Describe fully the volumetric assay of Zinc Ores with Sodic Sulphide.

2. In what ways may Titanic Acid be detected in Iron Ores, and how is the quantity estimated?

3. Describe Marguerite's method for the determination of Iron, and point out its advantages or disadvantages as compared with Penny's method.

4. Describe the method of Fresenius and Will for the valuation of Manganese Ores.

5. How would you determine the amount of Gold, (1) in auriferous Iron Pyrites, and (2) in quartz free from Sulphides?

6. What charges would you employ in the scorification assay for Silver of specimens of Galena, Copper Pyrites, Zinc Blende and Stibnite.

7. Describe any method for the determination of Sulphur in Coals.

8. In determining the value of a coal, what are the principal points to be ascertained?

FACULTY OF LAW.

SESSIONAL EXAMINATIONS.

FIRST YEAR.

ROMAN LAW.

Examiner,.....PROF. TRENHOLME.

1. Into what periods would you divide the history of Roman Law, and give the reasons for the division you adopt?

2. What means have we of forming some idea of the primitive Roman Constitution?

3. To what era in legal history does the legislation of the XII tables belong, and point out the importance of such legislation?

4. Give some account of the *Corpus Juris Civilis*, and of the works forming it.

5. How do you account for the Roman Law forming the basis of a large portion of our Law?

6. What are some of the great agencies in the amelioration of law, and point out the time and manner of their operation?

7. Give some account of the origin and nature of the great Roman Magistracies, particularly of the Praetorship.

8. What are the great natural family relations, and what their extensions in Roman Law and what in our Law?

9. What were the different kinds of *Tutelæ* in Roman Law; what in our law, and point out what security in each case the Minor enjoys?

10. What was the probable nature and what some of the causes of the change in the Roman Constitution known as the Servian Constitution?

11. What were *leges*, *plebiscita*, *senatus consulta*, *principum placita*, *responsa prudentum*.

12. In what way did Grecian culture and philosophy affect Roman Law, and at what period?

(Only 8 questions to be answered.)

FIRST YEAR.

CIVIL CODE.

Examiner,.....PROF. H. F. RAINVILLE.

1. Par quelles lois sont régis les biens meubles et immeubles situés en Bas-Canada?

2. Suivant quelles lois doivent être faits les actes quand à leur forme?

3. Comment s'acquiert la qualité de sujet britannique?

4. Quels sont les effets de la mort civile?

5. Que doit contenir l'acte de mariage?

6. Quels sont les droits et les obligations du curateur à l'absent?

7. Quel prêtre ou ministre est compétent à célébrer un mariage?

8. Pour quelles causes une femme peut-elle demander la séparation de corps?

FIRST YEAR.

LEGAL HISTORY.

Examiner.....M. LAREAU.

1. Quelles sont les origines du droit canadien ?

2. Comment se divisait le droit français avant 1663 ?

3. A quelle date remonte l'introduction de la Coutume de Paris dans la colonie ?

4. De quoi traite l'ordonnance de 1667 : a-t-elle été enregistrée au Conseil Supérieur de Québec ?

5. Dites la date de la création du Conseil Supérieur de Québec ?

6. Qui formait partie (originairement) du Conseil Supérieur de Québec?

7. Considérez-vous que les ordonnances des Rois de France, postérieures à la date de la création du dit Conseil, dussent y être enrégistrées pour avoir force de loi dans la colonie ; dites vos raisons pour ou contre?

8. Dans quelle année les lois criminelles anglaises ont-elles été introduites légalement en Canada ?

9. Rappelez quelques-unes des principales dispositions contenues dans l'acte constitutionnel de 1774?

10. Rappelez quelques-unes des principales dispositions contenues dans l'acte constitutionnel de 1791?

FIRST YEAR.

CIVIL LAW.

Examiner.....M. ROBIDOUX.

1. Comment sont déférées les Tutelles ?

2. Par qui peut être convoqué le conseil de famille ? Et devant qui peut il être convoqué ?

3. Combien de Tuteurs peuvent être nommés à un Mineur ?

4. Quelles sont les fonctions du subrogé Tuteur ? Quelle est sa responsabilité ?

5. A la demande de qui un Mineur peut il être émancipé ? Par qui peut-il être émancipé?

6. Quand un Majeur ou Mineur émancipé, doit-il être interdit? Rapportez la procédure pour prononcer l'interdiction?

7. Combien y a-t-il d'espèces de curatelles? A qui donne-t-on un Curateur?

8. Quels sont les pouvoirs du Curateur?

9. A quels biens nomme-t-on des Curateurs?

10. A qui nomme-t-on un conseil judiciaire? Par qui est-il donné? Quels sont ses pouvoirs?

FIRST YEAR.

CIVIL PROCEDURE.

(3 TO 4.30 P.M. FOR ORDINARY; AND 3 TO 5.30 P.M. FOR HONOURS.)

Examiner,.....M. HUTCHINSON, B.C.L.

1. How could the first of May next be declared a non-juridical day?

2. What formalities must be observed in order that a minor may institute an action for the recovery of damages suffered by him?

3. Can a married woman sue her husband? If so, in whose name, and by what authority?

4. Can a contract entered into in New York between two Germans be enforced in our courts? If so, under what circumstances?

5. Can a contract entered into at Montreal between two Chicago merchants be enforced in our courts? If so, how would you summon the Defendant?

6. In how many ways can you summon a Defendant residing in Nova Scotia to appear before our courts? Explain each.

7. Under what circumstances can a party plead in *forma pauperis?* In what case would such party be refused leave to so plead?

8. Can a husband residing in New York prosecute an action in our courts for separation from bed and board against his wife residing in Montreal?

9. How many kinds of preliminary pleas are there? Within what delay must they be fyled?

10. Explain the nature of a declinatory exception.

11. What is the effect of an attorney neglecting to elect domicile?

12. What must the conclusions of a suit contain? Is a prayer for justice in the premises sufficient?

N.B. (Any eight of the above twelve questions to be answered.)

FIRST YEAR.

CRIMINAL LAW.

Examiner, ...MR. ARCHIBALD.

1. What is the distinction between crimes and private injuries?

2. Give the exact technical signification of the word *malice* as used in criminal law.

3. What is the meaning of the maxim "Malitia supplet aetatem," and what exceptions are there to it?

4. What are the rules of law in relation to the responsibility of a *femme couverte* for criminal acts?

5. Mention and define the principal offences against the coin, classing each either as felony or misdemeanor, as the case may be.

6. State the several punishments awarded to the offences mentioned in the last question.

7. Give a short *resumé* of the law relating to the effect of provocation in a case of homicide.

8. Under what circumstances, if at all, are medical men responsible criminally for the death of persons under their care?

9. Define larceny with precision.

10. Explain in detail the different elements of larceny as contained in your last answer.

11. Is a clerk in a bank who receives money from a customer, puts it in the till, and afterwards takes it out and appropriates it, guilty of larceny, or of some other, and what offence? and give the reason of your opinion?

12. What is the nature of the *entry* which forms an element in the crime of Burglary?

(N. B. Students have the right to answer any 8 questions which they may choose out of the foregoing.)

SECOND AND THIRD YEARS.

INTERNATIONAL LAW AND COMMERCIAL SALES.

Examiner,.....PROFESSOR KERR.

1. What is a contract? What is a contract of sale?

2. What are the principal obligations of the Vendor? What are the principal obligations of the Vendee?

3. Whats is public International Law? What is private International Law?

4. State the rights of Belligerents. Detail the rights of Neutrals.

5. What is a lien? When does it exist?

6. What is *stoppage in transitu?* In what does it differ from lien?

7. What is the effect of stoppage in transitu?

8. What change has been effected in the rights and privileges of the unpaid vendor by the Insolvent Act of 1875?

9. What is Blockade? How and by whom can it be exercised?

10. From what law do obligations derive their force? Does the lex fori exercise any influence upon obligations? If yea, in what manner?

11. Point out the differences existing between the 17th section of the Statute of Frauds and Art. 1235 C. C. L. C.

12. What is Extradition? What changes have recently been introduced into the interpretation of Extradition Treaties as to the trial of offenders extradited for an offence other than the one for which the surrender had been demanded?

SECOND AND THIRD YEARS.

ROMAN LAW.

(3 TO 4½ P.M. FOR ORDINARY; AND 3 TO 5½ P.M. FOR HONORS.)

Examiner,.....PROF. TRENHOLME.

1. Give in chronological order the different kinds of *testamenta*, and point out some of the more important changes therein?

2. Whence do we derive our law of willing, and the different forms of wills prevailing in Lower Canada?

3. What was *substitutio* and what were *fidei commissa* in Roman Law, and when and why were the latter introduced?

4. What was the order of succession established by the XII tables, and what by Justinian?

5. A person dies worth 60,000 *aurei*, leaving surviving him a father, a maternal grandmother, a full brother, three nephews, children of a deceased sister of the full blood, and also a brother of the half blood; how would the 60,000 *aurei* be divided in Roman Law under Justinian's legislation, and how in our law?

6. Give an account of the different *beneficia* enjoyed by heirs and by creditors in Roman Law, and point out analogies in our law.

7. What are the different kinds of legatees in our law, and what their liability for the debts of the testator?

8. What was the *legitima portio* of the Roman Law, and had or have we any thing similar in our law?

N.B. 8 Questions for Ordinary, all for Honors.

9. Give some account of the nature and causes of the change known as the Servian Constitution, and of the means by which a judgment may be formed on the subject.

10. Give some account of the *jus gentium* of earlier and later Roman Law, and of the influence it exerted in Roman Law.

11. Define, *leges*, *plebiscita*, *principum placita*, *jus honorarium*, *responsa prudentum*, *manus*, *mancipatio*, *dominium quiritarium*, *usucapio*.

12. What are the natural family relations, and to what extent do they come under the domain of law? What were their artificial extensions in Roman Law, and what in our law

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SECOND AND THIRD YEARS.

CIVIL LAW.

Examiner.....M. LAREAU.

1. Donnez la définition du contrat de louage?

2. Quelles sont les principales obligations du locateur?

3. Quelles sont les principales obligations du locataire?

4. Comment se termine le bail d'une maison lorsque la durée n'en est pas fixée?

5. Le voiturier peut-il retenir la chose transportée jusqu'au paiement du voiturage et du fret ?

6. Dans quels cas les entrepreneurs et architectes peuvent-ils réclamer des extras ?

7. Donnez la définition du contrat de transaction ?

8. Donnez la définition du contrat de cautionnement.

9. Dites quel est l'effet du cautionnement entre les co-fidé-jusseurs ?

10. Mentionnez les sources d'où le droit canadien tire son origine ?

SECOND AND THIRD YEARS.

CIVIL LAW.

Examiner,.....PROF. RAINVILLE.

1. Comment des objets mobiliers peuvent-ils devenir immeubles par destination ?

2. A qui appartiennent les isles qui se forment dans les fleuves ou les rivières ?

3. Quels sont les obligations de l'usufruitier ?

4. Comment s'éteint l'usufruit ?

5. Quels sont les droits et les obligations des propriétaires voisins ?

6. Combien y a-t-il de formes de testament dans notre droit ?

7. Quels biens peut-on donner par testament ?

8. Le legs d'une chose qui n'appartiendrait pas au testateur est-il valide ?

9 Comment un testament peut-il être evoqué

SECOND AND THIRD YEARS.

CIVIL PROCEDURE.

(3 TO 4.30 P.M. FOR ORDINARY; 3 TO 5.30 P.M. FOR HONOURS.)

Examiner,.....M. HUTCHINSON, B.C.L.

1. When can a judgment be executed in the name of a deceased person?

2. Under what circumstances may a judgment be executed immediately after being rendered?

3. What is the effect of a garnishee refusing to make his declaration when legally called upon, of the amount he owes the defendant?

4. What real rights does a sheriff's sale not discharge property from?

5. How is an abandonment of property by a debtor arrested under a *capias* effected?

6. Within what delay can a creditor contest the statement of such debtor's abandonment? And on what grounds?

7. Have the creditors of such debtor any claim upon him after he has abandoned his property and obtained his discharge from imprisonment?

8. How is coercive imprisoument carried into execution?

9. What penalty does a defendant subject himself who locks his doors against a bailiff to prevent the seizure of his effects?

10. Draw up a form of affidavit for the issue of a writ of *capias* on the ground that the defendant is about immediately to leave the country?

11. From what court should a *capias* issue based on a debt of $50? If the *capias* be quashed, before what court must the plaintiff proceed to judgment on his debt? If the capias be not executed, before what court must the plaintiff proceed to judgment on his debt?

12. How many kinds of bail may the defendant give? Explain briefly the nature of each.

N.B.—Any eight of the above twelve questions for Ordinary, the whole twelve for Candidates for the Medal.

SECOND AND THIRD YEARS.

COMMERCIAL LAW.

Examiner,.....M. ROBIDOUX.

1. Quelles sont les créances privilégiées sur les bâtiments marchands?

2. Quelles sont les créances privilégiées sur la cargaison?

3. Quelles sont les créances privilégiées sur le frêt?

4. A quelle responsabilité est soumise envers les tiers une personne qui affrête un bâtiment pour en avoir le contrôle et le naviguer seule?

5. Quand le maître peut-il vendre le bâtiment sans l'autorisation expresse des propriétaires?

6. Qu'est-ce que le connaissement? Par qui est-il signé? En combien d'exemplaires? Que doit contenir le connaissement?

7. Qu'entend-on par frais de surestaire?

8. Quels sont les droits du Capitaine sur les marchandises transportées sur son bâtiment et dont le frêt n'est pas payé?

N. B.—Tous les étudiants devront répondre aux questions ci-dessus. Les concurrents pour la médaille devront répondre aux questions suivantes.

9. Quelles sont les marchandises qui peuvent être abandonnées pour frêt? Et dans quel cas peuvent elles être ainsi abandonnées?

10. Quel prix le maître est-il obligé de payer pour les marchandises qu'il a été contraint de vendre pour subvenir aux réparations, victuailles et autres nécessités pressantes du bâtiment arrivé à sa destination? Le frêt est-il dû sur les marchandises dans ce dernier cas? Quel prix est dû pour les marchandises, si le bâtiment périt avant d'arriver à destination?

11. Quand une demande de cession peut elle être faite à un commerçant?

12. Quand un débiteur commerçant est-il reputé en faillite?

THIRD YEAR.

CRIMINAL PROCEDURE.

Examiner,.....Mr. ARCHIBALD

1. Define Criminal Procedure, and state what it comprises.

2. Where should crimes be tried, and give exceptions?

3. In what cases may arrests be made by private persons?

4. In what cases may arrests be made by an officer without a warrant?

5. What is the procedure to be adopted to obtain a warrant of arrest on a charge of Felony?

6. What should an officer holding a warrant to arrest a man in one district do, in case the accused escapes into another district?

7. Under what circumstances may a warrant issued for the arrest of a person in one district be executed in another without being *backed?*

8. When a man is arrested on a charge of Felony, what course must be followed to secure his committal?

9. Explain the law relating to bail by one or two magistrates.

10. How is bail obtained in case it is refused by the magistrate?

11. How are the Petit jury lists made?

12. What are the essentials of an indictment?

N. B. Ordinary students may answer any 8 of the foregoing questions. Medal students are to answer the whole 12.

BA. APP. SC. EXAMINATION.

MINING.

SATURDAY, APRIL 20TH:—MORNING, 9 to 12.

Examiner,.....B. J. HARRINGTON, B.A., Ph.D.

1. Point out some of the principal differences commonly observed in the composition of metalliferous veins at different depths and along their strike.

2. For the purposes of mining, what are regarded as thick and what as thin lodes? Describe the cross-cut method for the exploitation of the former.

3. State the conditions which determine the dimensions and site of a shaft, and describe the method of Kind & Chaudron for sinking and tubbing shafts in watery ground.

4. Describe fully the different parts of the timbering of a gallery, and state under what conditions the timber is usually found to last longest.

5. Describe the man-engine, pointing out its advantages as compared with other appliances for raising miners in shafts.

6. State the circumstances under which overhand or underhand stoping may be followed with most advantage.

7. What are the best forms and dimensions of rails for under-ground roadways.

8. Point out the differences between slow and shattering explosives, and state in what cases the one or the other may be used most advantageously.

9. Describe the construction and use of a rotatory buddle and a shaking table.

10. Explain the following terms: Hade, attle, balance-bob, plunger, nog and gob.

MIDDLE YEAR.

ASSAYING.

FRIDAY, APRIL 26TH:—MORNING, 9 TO 11.

Examiner,.....B. J. HARRINGTON, B.A., PH.D.

1. Describe fully the volumetric assay of Zinc Ores with Sodic Sulphide.

2. In what ways may Titanic Acid be detected in Iron Ores, and how is the quantity estimated?

3. Describe Marguerite's method for the determination of Iron, and point out its advantages or disadvantages as compared with Penny's method.

4. Describe the method of Fresenius and Will for the valuation of Manganese Ores.

5. How would you determine the amount of Gold, (1) in auriferous Iron Pyrites, and (2) in quartz free from Sulphides?

6. What charges would you employ in the scorification assay for Silver of specimens of Galena, Copper Pyrites, Zinc Blende and Stibnite.

7. Describe any method for the determination of Sulphur in Coals.

8. In determining the value of a coal, what are the principal points to be ascertained?

FACULTY OF LAW.

SESSIONAL EXAMINATIONS.

FIRST YEAR.

ROMAN LAW.

Examiner,.....PROF. TRENHOLME.

1. Into what periods would you divide the history of Roman Law, and give the reasons for the division you adopt?

2. What means have we of forming some idea of the primitive Roman Constitution?

3. To what era in legal history does the legislation of the XII tables belong, and point out the importance of such legislation?

4. Give some account of the *Corpus Juris Civilis*, and of the works forming it.

5. How do you account for the Roman Law forming the basis of a large portion of our Law?

6. What are some of the great agencies in the amelioration of law, and point out the time and manner of their operation?

7. Give some account of the origin and nature of the great Roman Magistracies, particularly of the Praetorship.

8. What are the great natural family relations, and what their extensions in Roman Law and what in our Law?

9. What were the different kinds of *Tutelæ* in Roman Law; what in our law, and point out what security in each case the Minor enjoys?

10. What was the probable nature and what some of the causes of the change in the Roman Constitution known as the Servian Constitution?

11. What were *leges, plebiscita, senatus consulta, principum placita, responsa prudentum.*

12. In what way did Grecian culture and philosophy affect Roman Law, and at what period?

(Only 8 questions to be answered.)

FIRST YEAR.

CIVIL CODE.

Examiner,.....PROF. H. F. RAINVILLE.

1. Par quelles lois sont régis les biens meubles et immeubles situés en Bas-Canada?

2. Suivant quelles lois doivent être faits les actes quand à leur forme?

3. Comment s'acquiert la qualité de sujet britannique?

4. Quels sont les effets de la mort civile?

5. Que doit contenir l'acte de mariage?

6. Quels sont les droits et les obligations du curateur à l'absent?

7. Quel prêtre ou ministre est compétent à célébrer un mariage?

8. Pour quelles causes une femme peut-elle demander la séparation de corps?

FIRST YEAR.

LEGAL HISTORY.

Examiner.....M. LAREAU.

1. Quelles sont les origines du droit canadien ?

2. Comment se divisait le droit français avant 1663 ?

3. A quelle date remonte l'introduction de la Coutume de Paris dans la colonie ?

4. De quoi traite l'ordonnance de 1667 ; a-t-elle été enregistrée au Conseil Supérieur de Québec ?

5. Dites la date de la création du Conseil Supérieur de Québec ?

6. Qui formait partie (originairement) du Conseil Supérieur de Québec?

7. Considérez-vous que les ordonnances des Rois de France, postérieures à la date de la création du dit Conseil, dussent y être enrégistrées pour avoir force de loi dans la colonie ; dites vos raisons pour ou contre ?

8. Dans quelle année les lois criminelles anglaises ont-elles été introduites légalement en Canada ?

9. Rappelez quelques-unes des principales dispositions contenues dans l'acte constitutionnel de 1774 ?

10. Rappelez quelques-unes des principales dispositions contenues dans l'acte constitutionnel de 1791 ?

FIRST YEAR.

CIVIL LAW.

Examiner.....M. ROBIDOUX.

1. Comment sont déférées les Tutelles ?

2. Par qui peut être convoqué le conseil de famille ? Et devant qui peut il être convoqué ?

3. Combien de Tuteurs peuvent être nommés à un Mineur ?

4. Quelles sont les fonctions du subrogé Tuteur ? Quelle est sa responsabilité ?

5. A la demande de qui un Mineur peut il être émancipé ? Par qui peut-il être émancipé ?

6. Quand un Majeur ou Mineur émancipé, doit-il être interdit? Rapportez la procédure pour prononcer l'interdiction?

7. Combien y a-t-il d'espèces de curatelles? A qui donne-t-on un Curateur?

8. Quels sont les pouvoirs du Curateur?

9. A quels biens nomme-t-on des Curateurs?

10. A qui nomme-t-on un conseil judiciaire? Par qui est-il donné? Quels sont ses pouvoirs?

FIRST YEAR.

CIVIL PROCEDURE.

(3 TO 4.30 P.M. FOR ORDINARY; AND 3 TO 5.30 P.M. FOR HONOURS.)

Examiner,.....M. HUTCHINSON, B.C.L.

1. How could the first of May next be declared a non-juridical day?

2. What formalities must be observed in order that a minor may institute an action for the recovery of damages suffered by him?

3. Can a married woman sue her husband? If so, in whose name, and by what authority?

4. Can a contract entered into in New York between two Germans be enforced in our courts? If so, under what circumstances?

5. Can a contract entered into at Montreal between two Chicago merchants be enforced in our courts? If so, how would you summon the Defendant?

6. In how many ways can you summon a Defendant residing in Nova Scotia to appear before our courts? Explain each.

7. Under what circumstances can a party plead in *forma pauperis?* In what case would such party be refused leave to so plead?

8. Can a husband residing in New York prosecute an action in our courts for separation from bed and board against his wife residing in Montreal?

9. How many kinds of preliminary pleas are there? Within what delay must they be fyled?

10. Explain the nature of a declinatory exception.

11. What is the effect of an attorney neglecting to elect domicile?

12. What must the conclusions of a suit contain? Is a prayer for justice in the premises sufficient?

N.B. (Any eight of the above twelve questions to be answered.)

FIRST YEAR.

CRIMINAL LAW.

Examiner, ... Mr. Archibald.

1. What is the distinction between crimes and private injuries?

2. Give the exact technical signification of the word *malice* as used in criminal law.

3. What is the meaning of the maxim "Malitia supplet aetatem," and what exceptions are there to it?

4. What are the rules of law in relation to the responsibility of a *femme couverte* for criminal acts?

5. Mention and define the principal offences against the coin, classing each either as felony or misdemeanor, as the case may be.

6. State the several punishments awarded to the offences mentioned in the last question.

7. Give a short *resumé* of the law relating to the effect of provocation in a case of homicide.

8. Under what circumstances, if at all, are medical men responsible criminally for the death of persons under their care?

9. Define larceny with precision.

10. Explain in detail the different elements of larceny as contained in your last answer.

11. Is a clerk in a bank who receives money from a customer, puts it in the till, and afterwards takes it out and appropriates it, guilty of larceny, or of some other, and what offence? and give the reason of your opinion?

12. What is the nature of the *entry* which forms an element in the crime of Burglary?

(N. B. Students have the right to answer any 8 questions which they may choose out of the foregoing.)

SECOND AND THIRD YEARS.

INTERNATIONAL LAW AND COMMERCIAL SALES.

Examiner,.....PROFESSOR KERR.

1. What is a contract? What is a contract of sale?

2. What are the principal obligations of the Vendor? What are the principal obligations of the Vendee?

3. Whats is public International Law? What is private International Law?

4. State the rights of Belligerents. Detail the rights of Neutrals.

5. What is a lien? When does it exist?

6. What is *stoppage in transitu?* In what does it differ from lien?

7. What is the effect of stoppage in transitu?

8. What change has been effected in the rights and privileges of the unpaid vendor by the Insolvent Act of 1875?

9. What is Blockade? How and by whom can it be exercised?

10. From what law do obligations derive their force? Does the lex fori exercise any influence upon obligations? If yea, in what manner?

11. Point out the differences existing between the 17th section of the Statute of Frauds and Art. 1235 C. C. L. C.

12. What is Extradition? What changes have recently been introduced into the interpretation of Extradition Treaties as to the trial of offenders extradited for an offence other than the one for which the surrender had been demanded?

SECOND AND THIRD YEARS.

ROMAN LAW.

(3 TO 4½ P.M. FOR ORDINARY; AND 3 TO 5½ P.M. FOR HONORS.)

Examiner,.....PROF. TRENHOLME.

1. Give in chronological order the different kinds of *testamenta*, and point out some of the more important changes therein?

2. Whence do we derive our law of willing, and the different forms of wills prevailing in Lower Canada?

3. What was *substitutio* and what were *fidei commissa* in Roman Law, and when and why were the latter introduced?

4. What was the order of succession established by the XII tables, and what by Justinian?

5. A person dies worth 60,000 *aurei*, leaving surviving him a father, a maternal grandmother, a full brother, three nephews, children of a deceased sister of the full blood; and also a brother of the half blood; how would the 60,000 *aurei* be divided in Roman Law under Justinian's legislation, and how in our law?

6. Give an account of the different *beneficia* enjoyed by heirs and by creditors in Roman Law, and point out analogies in our law.

7. What are the different kinds of legatees in our law, and what their liability for the debts of the testator?

8. What was the *legitima portio* of the Roman Law, and had or have we any thing similar in our law?

N.B. 8 Questions for Ordinary, all for Honors.

9. Give some account of the nature and causes of the change known as the Servian Constitution, and of the means by which a judgment may be formed on the subject.

10. Give some account of the *jus gentium* of earlier and later Roman Law, and of the influence it exerted in Roman Law.

11. Define, *leges*, *plebiscita*, *principum placita*, *jus honorarium*, *responsa prudentum*, *manus*, *mancipatio*, *dominium quiritarium*, *usucapio*.

12. What are the natural family relations, and to what extent do they come under the domain of law? What were their artificial extensions in Roman Law, and what in our law

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SECOND AND THIRD YEARS.

CIVIL LAW.

Examiner.....M. LAREAU.

1. Donnez la définition du contrat de louage?

2. Quelles sont les principales obligations du locateur?

3. Quelles sont les principales obligations du locataire?

4. Comment se termine le bail d'une maison lorsque la durée n'en est pas fixée?

5. Le voiturier peut-il retenir la chose transportée jusqu'au paiement du voiturage et du fret ?

6. Dans quels cas les entrepreneurs et architectes peuvent-ils réclamer des extras ?

7. Donnez la définition du contrat de transaction ?

8. Donnez la définition du contrat de cautionnement.

9. Dites quel est l'effet du cautionnement entre les co-fidé-jusseurs ?

10. Mentionnez les sources d'où le droit canadien tire son origine ?

SECOND AND THIRD YEARS.

CIVIL LAW.

Examiner,.....PROF. RAINVILLE.

1. Comment des objets mobiliers peuvent-ils devenir immeubles par destination ?

2. A qui appartiennent les isles qui se forment dans les fleuves ou les rivières ?

3. Quels sont les obligations de l'usufruitier ?

4. Comment s'éteint l'usufruit ?

5. Quels sont les droits et les obligations des propriétaires voisins ?

6. Combien y a-t-il de formes de testament dans notre droit ?

7. Quels biens peut-on donner par testament ?

8. Le legs d'une chose qui n'appartiendrait pas au testateur est-il valide ?

9 Comment un testament peut-il être evoqué

SECOND AND THIRD YEARS.

CIVIL PROCEDURE.

(3 TO 4.30 P.M. FOR ORDINARY; 3 TO 5.30 P.M. FOR HONOURS.)

Examiner,.....M. HUTCHINSON, B.C.L.

1. When can a judgment be executed in the name of a deceased person?

2. Under what circumstances may a judgment be executed immediately after being rendered?

3. What is the effect of a garnishee refusing to make his declaration when legally called upon, of the amount he owes the defendant?

4. What real rights does a sheriff's sale not discharge property from?

5. How is an abandonment of property by a debtor arrested under a *capias* effected?

6. Within what delay can a creditor contest the statement of such debtor's abandonment? And on what grounds?

7. Have the creditors of such debtor any claim upon him after he has abandoned his property and obtained his discharge from imprisonment?

8. How is coercive imprisonment carried into execution?

9. What penalty does a defendant subject himself who locks his doors against a bailiff to prevent the seizure of his effects?

10. Draw up a form of affidavit for the issue of a writ of *capias* on the ground that the defendant is about immediately to leave the country?

11. From what court should a *capias* issue based on a debt of $50? If the *capias* be quashed, before what court must the plaintiff proceed to judgment on his debt? If the capias be not executed, before what court must the plaintiff proceed to judgment on his debt?

12. How many kinds of bail may the defendant give? Explain briefly the nature of each.

N.B.—Any eight of the above twelve questions for Ordinary, the whole twelve for Candidates for the Medal.

SECOND AND THIRD YEARS.

COMMERCIAL LAW.

Examiner,.....M. Robidoux.

1. Quelles sont les créances privilégiées sur les bâtiments marchands?

2. Quelles sont les créances privilégiées sur la cargaison?

3. Quelles sont les créances privilégiées sur le frêt?

4. A quelle responsabilité est soumise envers les tiers une personne qui affrête un bâtiment pour en avoir le contrôle et le naviguer seule?

5. Quand le maître peut-il vendre le bâtiment sans l'autorisation expresse des propriétaires?

6. Qu'est-ce que le connaissement? Par qui est-il signé? En combien d'exemplaires? Que doit contenir le connaissement?

7. Qu'entend-on par frais de surestaire?

8. Quels sont les droits du Capitaine sur les marchandises transportées sur son bâtiment et dont le frêt n'est pas payé?

N. B.—Tous les étudiants devront répondre aux questions ci-dessus. Les concurrents pour la médaille devront répondre aux questions suivantes.

9. Quelles sont les marchandises qui peuvent être abandonnées pour frêt? Et dans quel cas peuvent elles être ainsi abandonnées?

10. Quel prix le maître est-il obligé de payer pour les marchandises qu'il a été contraint de vendre pour subvenir aux réparations, victuailles et autres nécessités pressantes du bâtiment arrivé à sa destination? Le frêt est-il dû sur les marchandises dans ce dernier cas? Quel prix est dû pour les marchandises, si le bâtiment périt avant d'arriver à destination?

11. Quand une demande de cession peut elle être faite à un commerçant?

12. Quand un débiteur commerçant est-il reputé en faillite?

THIRD YEAR.

CRIMINAL PROCEDURE.

Examiner,.....Mr. ARCHIBALD

1. Define Criminal Procedure, and state what it comprises.

2. Where should crimes be tried, and give exceptions?

3. In what cases may arrests be made by private persons?

4. In what cases may arrests be made by an officer without a warrant?

5. What is the procedure to be adopted to obtain a warrant of arrest on a charge of Felony?

6. What should an officer holding a warrant to arrest a man in one district do, in case the accused escapes into another district?

7. Under what circumstances may a warrant issued for the arrest of a person in one district be executed in another without being *backed?*

8. When a man is arrested on a charge of Felony, what course must be followed to secure his committal?

9. Explain the law relating to bail by one or two magistrates.

10. How is bail obtained in case it is refused by the magistrate?

11. How are the Petit jury lists made?

12. What are the essentials of an indictment?

N. B. Ordinary students may answer any 8 of the foregoing questions. Medal students are to answer the whole 12.

ferent thermometers in ordinary use and the rules for converting degrees of one scale into degrees of the other.

2. Explain Boyle's or Mariotte's law, and the principles involved in the action of the mercurial barometer and the common air pump.

3. Write the formulæ for the oxides of nitrogen ; show how nitric acid is derived from the Pentoxide, and describe the mode of manufacture and the properties of commercial nitric acid.

4. In what condition are the metals usually found in nature? Give an outline of the process by which they are obtained in the metallic state with the chemical changes involved in the cases of *iron* and *potassium*, expressed in symbolic equations.

5. Write the formulæ for a *monatomic*, a *diatomic* and a *triatomic alcohol*, and show how *Ethyl alcohol* is converted into an *Aldehyde* and subsequently into an *Acid*.

6. Write the formulæ for a *primary*, a *secondary* and a *tertiary monamine*. State to which of these classes the vegetable alkaloids belong, and describe the tests for strychnia.

FACULTY OF LAW.

FIRST YEAR.

ROMAN LAW.

Examiner,..... PROF. TRENHOLME

1. Mention the principal sources of our information on the history of Roman Law?

2. How is the history of Roman Law divided, and state what division you prefer, and why?

3. By what means are we able to know anything of the primitive and reformed Roman Constitution?

4. Give the date and import of *Leges Sacræ; Lex Canuleia; Rogationes Liciniana; Lex Hortensia; Lex Moenia.* What were *Leges Agrariæ?*

5. With whom did the power of legislation lie at different periods in Roman history, and what were the different legislative enactments called?

6. What was the *Jus. Honorarium?* What the *Jus. Gentium?* What the *Edictum Perpetuum?*

7. Mention in chronological order the great agencies in the amelioration of the law, and by what they were represented in Roman Law.

8. Explain the meaning of *Civitas; Jus. Latinum; Jus. Italicum Colonia; Municipium, Praefectura; Proconsul; Propraetor; Corpus Juris Civilis; Lex Romana Visigothorum.*

FIRST YEAR.

CIVIL PROCEDURE.

(4 TO 5.30 P.M. FOR ORDINARY; AND 4 TO 6 P.M. FOR HONORS.)

Examiner, ... M. HUTCHINSON.

1. Can a minor institute an action in his own name? Can a married woman? Is there any exception in either case?

2. Can a foreign corporation institute an action before our Courts?

3. Can a creditor join several causes of action in the same suit? Can he divide his debt and take two actions against his debtor?

4. What preliminary steps must be taken in order to sue a public officer for damages by reason of any act done by him in the exercise of his functions? If the act complained of was committed at Quebec, could such action be brought at Montreal if a personal service were effected at the latter place?

5. Do delays run upon Sundays and holidays? If so, are there any, and what exceptions?

6. Under what conditions can a party plead *in formâ pauperis?*

7. Under what conditions can an action for the recovery of a debt contracted in a foreign country be taken in our Courts?

8. Can a married woman institute an action at Montreal, for separation from bed and board, against her husband, domiciled at Toronto, if a personal service was made on him in Montreal?

9. If there are several defendants in the same suit residing in different districts, under what circumstances could you bring them all before the court sitting at Montreal?

10. Under what circumstances can an action be taken against a debtor, the initials of whose name can only be ascertained?

11. In how many ways may a defendant residing in Nova Scotia be summoned to appear before our Courts? Describe each.

12. Can an attorney confess judgment for his client? If so, under what circumstances?

(Any eight of the above twelve questions to be answered.)

FIRST YEAR.

CIVIL LAW.

Examiner,.....PROF. RAINVILLE.

1. A quelles lois sont soumis les actes quant à leur forme ?

2. Quelles personnes peuvent se faire naturaliser et quelles sont les formalités nécessaires à la naturalisation ?

3. Qu'est ce que le domicile ? Où le mineur et la femme mariée ont-ils leur domicile ? Qui peut changer son domicile ?

4. Quels sont les droits des personnes envoyées en possession provisoire ?

5. Quelles personnes peuvent demander l'envoi en possession définitive ? Et quand ?

FIRST YEAR.

HISTORY OF CANADIAN LAW.

Examiner,.....M. LAREAU.

1. Quelles sont les principales sources du Droit Canadien.

2. Comment se composait le Droit Commun de la France avant 1663.

3. Mentionnez les grandes ordonnances du XVIe siècle, et dites les matières principales qui en faisaient l'objet.

4. Qu'est-ce que la Coutume de Paris ; dites le rôle qu'elle a joué en France et en Canada.

5. Quelles sont les principales clauses mentionnées dans la Charte de 1627.

6. Dites les principales dispositions de l'Edit de Création de 1663.

7. Donnez l'analyse de l'Acte Constitutionnel de 1774.

8. Donnez l'analyse de l'Acte Constitutionnel de 1791.

9. Donnez l'analyse de l'Acte Constitutionnel de 1840.

10. Donnez l'analyse de l'Acte Constitutionnel de 1867.

FIRST YEAR.

COMMERCIAL LAW.

Examiner,..... ..... PROFESSOR WURTELE, Q.C., B.C.L.

OBLIGATIONS.

1. What things are essential to a contract; what things are of its nature and what things are accidental to a contract?

2. To give validity to a contract, what must be the nature of the consent?

3. What is the general rule as to the capacity to contract?

4. What difference is there between the incapacity of a person interdicted for insanity and of a person interdicted for prodigality?

5. When the cause of a contract is not expressed, on whom does the burden of proof fall when it is alleged that none exists?

6. What is the effect of the obligation to give?

7. When the creditor demands the removal of what has been done in breach of his rights, has the Court the option of ordering the removal or of giving damages?

8. What three conditions must exist to render a debtor liable to pay damages?

9. When is a debtor liable in damages notwithstanding fortuitous events or irresistable force?

10. What is the rule respecting damages when the obligation consists in the payment of money?

11. What two conditions are necessary to give the Paulian Action?

12. When is the Paulian Action prescribed?

FIRST YEAR.

CRIMINAL LAW.

Examiner,.....MR. ARCHIBALD.

1. Define Criminal Law.

2. Define the term "CURRENT COIN" in relation to the offence of counterfeiting.

3. What degree of resemblance, as to form and colour must exist between a false coin and the current coin to constitute the making of the former "counterfeiting"?

4. Define larceny, embezzlement, obtaining goods under false pretences; and point out the distinctions between each.

5. If a man obtains goods from a merchant, promising to return in a few minutes and pay for them, which he did not do, and does not at the time intend to do, is he guilty of the offence of obtaining goods by false pretences? and give the reason for your opinion.

6. A merchant having secured a piece of goods to his counter by a cord, a person, intending to steal them, moves them away until arrested by the cord. Is he guilty of larceny?

Would it make any difference if the goods had not been secured, other things being the same? Give reasons for your opinion.

7. Define an accessory after the fact.

8. Define "A Riot," "Rout," Unlawful Assembly."

Is an assembly of persons guilty of some criminal offence necessarily an "Unlawful Assembly"?

9. May burglary be committed in the out-houses surrounding a man's dwelling?

What is meant by the word "night" in reference to this offence.

10. Under what circumstances would a finder of lost goods who converted them to his own use be guilty of larceny?

11. State concisely the law relating to provocation in reference to homicide?

12. What offences are punishable by death under our law?

* Students are to answer any eight of the foregoing questions.

SECOND AND THIRD YEARS.

ROMAN LAW.

Examiner,.....PROF. TRENHOLME.

1. Indicate briefly the successive steps in the development of the Roman Law of Contract.

2. Give a short account of *pignus and depositum* in Roman Law.

3. What was an *obligatio naturalis*, and what effect had it, if any, in Roman Law, and what in our law?

4. Distinguish, in chronological order, the different kinds of suretyship known to Roman Law, and mention the *beneficia* enjoyed by sureties.

5. What was the origin of the stringent provisions in modern jurisprudence as to the responsibility of hotel keepers and carriers, and to what extent may these persons limit their responsibility by notices?

6. What was the *actio commodati; serviana; pauliana; pro socio; familiæ erciscundæ; communi dividundo; negatoria, confessorea.*

7. State the general rule as to the measure of damages for breach of contract, and mention any leading cases you know on this subject.

8. What is evidence? What are its different kinds? What may be proved by parol? Whence de we derive our law on this subject?

9. Give the date and import of *Leges Sacræ; Lex Canuleia; Lex Hortensia; Lex mœnia* What were *Leges Agrariæ?*

10. With whom did the power of legislation lie at different periods in Roman history, and what were the different legislative enactments called?

11. What was the *Jus. Honorarium?* What the *Jus. Gentium?* What the *Edictum Perpetuum?*

12. Mention in chronological order the great agencies in the amelioration of the law, and by what they were represented in Roman Law.

13. Explain the meaning of *Civitas; Jus. Latinum; Jus. Italicum; Colonia; Municipium, Praefectura; Proconsul; Propraetor; Corpus Juris Civilis; Lex Romana Visigothorum.*

SECOND AND THIRD YEARS.

INTERNATIONAL LAW, INSURANCE BND BOTTOMRY.

Examiner,.....PROFESSOR KERR.

1. What is a Sovereign State? Are the State of New York and the Dominion of Canada Sovereign States? What are the rights of a Sovereign State?

2. State what constitutes a breach of Blockade under the English practice? What is the difference between the English and Continental practice relative to breach of Blockade?

3. What is the procedure to obtain condemnation of enemy's property captured at sea? Of property seized as contraband, or for violation of Blockade?

4. What is the difference between domicile in International Law and domicile under the Civil Code of Lower Canada?

5. What are the differences between a time and a voyage policy in Marine Insurance?

6. If a creditor insures the life of his debtor for an amount equal to his debt, and the debtor's heirs after the death of the debtor (the policy having been kept alive by the creditor) pay the debt, can the creditor recover from the insurer the amount of the policy? If the debtor during his lifetime pay the debt (the creditor keeping the policy alive), does the creditor lose his recourse against the insurer? Give the leading cases on the subject.

7. What is the difference between a warranty and a representation?

8. For what losses is the insurer liable under a policy of fire insurance?

9. In what consists the Maritime territory of a state?

10. What principles regulate the divorce of parties married in a State other than the one in which the application for divorce is made?

11. What is abandonment in Marine Insurance? When is it necessary? How is it made?

12. What is Jettison? When does it give rise to a general average contribution? What is the difference between the Civil Code of Lower Canada and the practice of English average adjusters in the event of a second jettison *quoad* the goods jettisoned in the first instance?

Nos. 1 to 8 inclusive, for degree; the whole paper for honors.

SECOND AND THIRD YEARS.

COMMERCIAL LAW.

Examiner,.....PROFESSOR WURTELE, Q.C., B.C.L.

PARTNERSHIP.

1. What is the difference between Partnership and Community?

2. What is of the essence of the Contract of Partnership?

3. What is a Commercial Partnership; and what are its kinds?

4 What is an anonymous Partnership?

5. How is the contract of Partnership formed; what formalities are requisite in the case of a trading partnership; and what is the consequence of non-compliance with such formalities?

6. What is the scope of a partner's power or mandate?

7. Is a retired partner ever liable for debts created after his retirement from the firm?

8. How do debts created after the retirement of a dormant partner affect him?

9. What difference is there between a Limited Partnership and a Joint Stock Company?

10. By what modes can a Partnership be dissolved?

11. What is the effect of the dissolution as regards the powers of the partners?

12. How is the community which exists after the dissolution of a Partnership dissolved?

SECOND AND THIRD YEARS.

CIVIL LAW.

Examiner,..... M. LAREAU.

1. Qu'est-ce qu'un privilége; qu'est-ce qu'une hypothèque; qu'entendez-vous par tiers-détenteur?

2. Comment s'établissent les priviléges sur les meubles?

3. Comment s'établissent les priviléges sur les immeubles?

4. Combien y a-t-il de sortes d'hypothèques? Définissez.

5. Quelles sont les hypothèques légales? Définissez

6. Quelles sont les exceptions que le tiers-détenteur peut opposer à l'action hypothécaire, et définissez ces différents cas?

7. Qu'est-ce que la prescription? Combien de sortes? Définissez?

8. Qu'appellez-vous interversion de titre?

9. Quand et comment a lieu l'interruption de prescription?

10. Il s'agit d'une créannce hypothécaire, résultant cependant en une obligation divisible consentie par Jupiter en faveur de Primus, Secundus et Tertius au montant de $3,000. Secundus décède, laissant trois héritiers, César, Ciceron et Hostilius. La créance hypothécaire est sur le point d'être prescrite lorsque Primus fait une reconnaissance du droit emportant interruption de prescription à l'égard et en faveur de Cicéron seulement. On demande si les autres créanciers solidaires et les co-héritiers auront le bénéfice de cette interruption, et jusqu'à quel montant.

SECOND YEAR AND THIRD YEARS.

CIVIL LAW.

Examiner, ... PROF. RAINVILLE.

DONATIONS.

1. Quel est l'effet d'une condition illicite apposée à une donation ? Enumérez quelques-unes des conditions illicites ou immorales.

2. Quelles personnes sont incapables de disposer par donation entre vifs ? Donnez la nature de ces incapacités.

3. Quelle époque, doit-on considérer pour apprécier la capacité du donateur de disposer par donation entre vifs ?

4. En quelle forme doit être faite une donation entre vifs ?

5. En quelle forme doit être faite l'acceptation d'une donation entre vifs ?

SECOND AND THIRD YEARS.

CIVIL PROCEDURE.

(4 TO 5.30 P.M. FOR ORDINARY; AND 4 TO 6 P.M. FOR HONORS.)

Examiner..... M. HUTCHINSON.

1. What is a demurrer ? Give an example ?

2. What is the object of an intervention ? In what respects does it differ from an opposition ?

3. When may a party to a suit be summoned to answer interrogatories upon articulated facts (*faits et articles*), and what is the effect of neglecting to answer such interrogatories ?

4. Can a corporation be summoned to answer interrogatories upon articulated facts ? If so, how must such corporation answer ?

5. When can evidence be taken before our courts in short hand ?

6. Under what circumstances and at what stage of the case can you examine a witness who is about to leave the Province ?

7. Does relationship render a witness incompetent to give evidence ? If so, what degree ?

8. Can a party residing in Toronto be summoned as a witness before a Montreal Court ? If so, by whom must the subpœna be served, and in case the witness make default, how can he be punished ?

9. Under what circumstances can a grown person, in the exercise of his mental faculties, and not related to the parties, be prevented from giving evidence?

10. When can a witness object to answer a question put to him?

11. In how many ways may you obtain the evidence of a witness residing at Quebec, Toronto and New York, respectively? Describe each?

12. If a landlord takes an action against his tenant for damages done to the house occupied by the latter, can either party demand a trial by jury? Give your reasons.

(Any eight of the above twelve questions for ordinary: the whole twelve for candidates for the Medal.)

SECOND AND THIRD YEARS.

EXAMINATIONS IN CRIMINAL PROCEDURE.

Examiner,.....MR. ARCHIBALD

1. What do you understand by the term Criminal Procedure?

2. How is a warrant of arrest obtained? To whom is it addressed?

3. How is it executed in case the Defendant has escaped into another jurisdiction within Canada?

4. When may arrests be made without a warrant?

5. Where are offences to be tried?

6. How many terms of the Criminal Court per annum are held in the District of Montreal, and when do they open?

7. Whose duty is it to see that jurors are summoned for these terms, and how is this duty performed?

8. For what length of time does a petty jury usually serve?

9. How are the jury lists prepared?

10. What are the functions of the Grand Jury?

11. What offences are bailable by one or more magistrates? What is the duty of magistrates with reference to accepting bail?

12. State the law respecting challenges as well to the array as to the polls.

* Students not competing for the Medal may answer any eight of the foregoing questions, Medal Students to answer the whole twelve.

ROMAN LAW.

(FOR THE DEGREE OF D.C.L.)

Examiner, ...PROF. TRENHOLME.

1. Translate Gains, IV Com., §§ 11, 12, 30.

2. Give a short account of the actions mentioned in the above sections, and of the changes in procedure treated of by Gains in the IV Commentary.

3. Translate Pomponius, § 2, 7, 32.

4. Give some account with dates: *Jus Civile Papirianum; Jus Civile Flavianum; Jus Elianum; Jus Honorarium.*

5. Give a short sketch of the Roman Constitution, primitive and reformed, and indicate the means by which we are able to know anything on this subject.

6. Give a short account of the struggle for equal rights between the Plebeians and Patricians, and the principal measures enacted and magistrates created in connection therewith. What was the place and nature of the position held by the XII Tables in this struggle?

COMMERCIAL LAW.

(FOR THE DEGREE OF D.C.L.)

Examiner..... .....PROFESSOR WURTELE, Q.C., B.C.L.

OBLIGATIONS.

1. Why must the artifice in the case of fraud emanate from the other party to be a cause for the avoidance of a contract?

2. When a person contracts that another will perform an obligation, is he liable in damages when such other person has ratified and assumed the obligation?

3. In what form must the acceptance of a gift be made, when such gift is stipulated in favor of a third party in a deed to which he is not a party?

4. What difference is there in the effect of a resolution by mutual consent and the resiliation of a contract.

SALE.

5. What difference is there in the effect of the contract of Sale before and since the promulgation of the Civil Code?

6. What are the rights of a person buying in good faith a moveable, which is in the possession of but does not belong to the Seller?

7. What is the effect of an unregistered title of conveyance of real estate: 1°, as regards the parties thereto; and 2°, as regards a third party?

8. What is the effect of a sale of moveable property sold by measure?

University School Examinations,

1879.

PRELIMINARY SUBJECTS.

GOSPELS.

MONDAY, MAY 19TH:—AFTERNOON, 4 TO 5.

Examiner,.....J. CLARK MURRAY, LL.D.

1. Who was (*a*) the Mother of Jesus, (*b*) the Mother of John the Baptist? (*c*) How were they related?

2. (*a*) In what town, and in what province of Palestine did the Mother of Jesus reside? (*b*) What led to Jesus being born elsewhere?

3. (*a*.) What act of cruelty was perpetrated by Herod shortly after the birth of Jesus? (*b*) How did Jesus escape?

4. Tell the story of Christ's visit to the passover in Jerusalem when he was twelve years of age.

5. Relate the three temptations of Jesus.

6. What was the first miracle which Jesus performed?

7 (*a*) What was the occupation of Peter and Andrew and James and John? (*b*) What were the words addressed to them by Jesus when He called them to be apostles?

8. Who were (*a*) the Pharisees, (*b*) the Sadducees, (*c*) the Publicans?

9. (*a*) What was the occasion on which the parable of the Good Samaritan was spoken, and (*b*) what lesson was it intended to teach?

10. Who were Caiaphas and Pilate?

11. (*a*) Who betrayed Jesus? (*b*) What was the subsequent fate of the traitor?

12. What were the last words spoken by Jesus before His ascension?

METEOROLOGY.

SATURDAY, MARCH 13TH:—MORNING, 9 TO 11.

Examiner,.....C. H. MCLEOD.

1. Describe the construction of the following instruments:—

(*a*) A self-registering thermometer for maximum temperatures.

(*b*) An aneroid barometer.

(*c*) A wind vane suitable for electric attachment and its recording apparatus.

2. Define "relative humidity," "overcast," "corona," "halo."

3. Classify and describe (*a*) auroras, (*b*) clouds.

4. Describe fully the operation of filling a barometer tube.

5 The graduation marks on a thermometer tube are not always equidistant. Why is this, and how are the positions of the marks obtained?

6. What considerations would guide you in selecting a site for (*a*) a rain-gauge, (*b*) thermometers.

7. The temperature of the air observed at 7 a.m. was 12.0, at 2 p.m. 17.0, and at 9 p.m. 11.5. Find the mean temperature for the day.

8. How is vapour sustained in the air? How may its weight be attained at any time?

9. How is dew formed? What circumstances favour its deposition? (*a*) If on a night when dew was being formed two similar plates of glass and polished metal were placed on the ground, which would collect the most dew? Why so?

FACULTY OF LAW.

FIRST YEAR.

ROMAN LAW.

Examiner,.....N. W. TRENHOLME, M.A.

1. Give some account of the Corpus Juris Civilis and of the different works comprising it.

2. What are the principal sources from which we derive our knowledge of the History of Roman Law? By what means are we enabled to know

anything of Roman Law and institutions before the time of the XII Tables?

3. Give a short account of the form of the Roman Constitution at different periods in Roman History, pointing out the nature of the changes it underwent.

4. Into what periods does Maine divide the growth and history of law, and indicate the character of each?

5. What are the great agencies in the amelioration of law, and how and in what order do they operate?

6. How do you account for the origin of the two orders, Patricians and Plebeians, in the Roman State, and indicate in chronological order the principal steps, measures, and causes that led to the equalization of the orders?

7. What was the *Jus Honorarium*, and point out briefly how it was formed, and in what way it influenced Roman Jurisprudence?

8. Indicate some of the principal events that affected Roman Law and Legislation in the first and also in the second period of the Republic.

9. How were the Roman Provinces governed?

10. By what means was uniformity of jurisprudence promoted throughout the whole empire?

11. Who are styled the great luminaries of Roman Law, and when did they live?

12. Point out briefly some of the advantages of the study of Roman Law to the student of the present day.

N.B.—(Students will answer any eight of the questions, and no more.)

FIRST YEAR.

CIVIL PROCEDURE.

Examiner, ...MR. HUTCHINSON.

1. Before whom must an affidavit made in a foreign country be sworn in order that it may be entitled to credence in our Courts?

2. In order to bring an action in *forma pauperis* before a Court of this Province what is necessary to be established; and when and from whom is this authority obtained?

3. A owes B $200 for rent of the house he occupies, and also $200 on a

promissory note, can B join the two causes of action in the the same suit? If not, why not?

4. A minor is run over in the street and badly injured through the carelessness of a carter. He wishes to bring an action in damages against the carter, how can he do so?

5. If a defendant in a suit appear and plead in person, where can the plaintiff serve him with an inscription or notice of the trial?

6. Two merchants have dealings together in New York by which one becomes personally indebted to the other in $500, under what circumstances can a suit be instituted in our Superior Court for the recovery of this debt?

7. A husband and wife are domiciled in Montreal: the wife leaves him and goes to reside in Toronto, and afterwards wishes to take an action for separation from bed and board. Before the Court of what place must such an action be taken?

8. If there are several defendants in the same suit, residing in different jurisdictions beyond the District of Montreal, and one of them is served personally at Montreal, can the others, although served in their own jurisdictions, be brought before the Court of the District of Montreal? How would it be if the defendants all resided in the same jurisdiction, and one of them be served personally in Montreal?

9. How many kinds of preliminary exceptions are there, and within what delay mnst they be fyled?

10. What is a declinatory exception? Give an example of a case in which such an exception could be fyled.

11. What is a dilatory exception? Give an example of a case in which such an exception could be fyled.

12. In what cases, where the debt is for goods sold and delivered, is it impossible to obtain a judgment by default for non-appearance upon the affidavit of the plaintiff?

FIRST YEAR.

CRIMINAL LAW.

Examiner,..... .....PROFESSOR ARCHIBALD.

1. What are the sources of our criminal law?

2. What proof would be requisite to support a defence of insanity?

3. Define the following terms:—

"Principal in the first degree."
"Principal in the second degree."
"Accessory before the fact."
"Accessory after the fact."

4. What limitations of responsibility for criminal acts exist in favor of married women?

5. Define burglary and larceny.

6. Discuss particularly the nature of the breaking and entering which constitute elements of burglary.

7. Define the expression "current coin."

8. What is conspiracy? If brokers agree together before a sale by auction that one only of them should bid for each article sold, and that all the articles thus bought by any of them should be sold again among themselves for a fair price, and the difference between the auction price and the fair price should be divided among them, is this a conspiracy, and state your reasons?

9. Point out the difference between larceny and embezzlement.

10. A gave his clerk £5, out of which he was to pay for an advertisement; he paid £1, but told A he had paid £2, and accounted with A accordingly. Of what offence, if any, was the clerk guilty, giving reasons?

11. If a beggar obtains a gift of money by making false statements as to his condition, what offence, if any, is he guilty of, giving reasons?

12. Mention the principal felonies which do not admit of accessories before the fact, giving reasons in each case?

(N. B. Students are to answer eight questions only at their option.)

FIRST YEAR.

HISTORY OF CANADIAN LAW.

Examiner, ...M. LAREAU.

1. Quelles sont les principales sources du droit Canadien?

2. Nommez les grandes ordonnances du droit Français, antérieures à l'établissement du Conseil Supérieur de Québec; dites la date de leur publication.

3. Veuillez décrire le système judiciaire en vigueur sous la domination française ?

4. A quelle date remonte l'établissement du Conseil Supérieur de Québec, et comment était-il composé ?

5. Nommez les principales chartes qui ont régi le Canada sous la domination Française ?

6. Quelles sont les principales dispositions contenues dans l'acte de Québec (1774) ?

7. Quelles sont les principales dispositions contenues dans l'acte constitutionnel de 1791 ?

8. Quelles sont les principales dispositions contenues dans l'acte constitutionnel de 1840 ?

9. Mentionnez les principales dispositions législatives qui ont été adoptées de 1791 à 1840.

10. A quelle date le Code Civil est-il devenu en force ?

11. Quelles sont les principales dispositions législatives qui ont été adoptées de 1840 à 1867 ?

12. Faites l'historique de la question des Réserves du Clergé.

(N.B.—M.M. les Étudiants répondront à huit questions sur douze, à leur choix.)

FIRST YEAR.

CIVIL LAW.

Examinateur.....PROFESSEUR ROBIDOUX.

1. Quelles sont les principales incapacités résultant de la mort civile ?

2. De quelle manière les actes de l'état civil sont-ils inscrits sur les régistres ?

3. Comment la loi punit-elle la contravention aux règles concernant la tenue des régistres de l'état civil ?

4. Que doivent faire les dépositaires d'un régistre de l'état civil lorsque la rectification en a été obtenue ?

5. Qu'est-ce que le domicile ?

6. Quel est le domicile de la femme mariée non séparée de corps ? du mineur non émancipé ? du majeur interdit pour démence ? des majeurs

qui servent et travaillent habituellement chez autrui ? Quels sont les effets de l'élection de domicile ?

7. Qu'entend-on par absent ? Dans quels cas peut-on nommer un curateur aux biens d'un absent ? Comment est-il statué sur la nécessité de nommer un curateur aux biens d'un absent ?

8. Quand peut-on se faire envoyer en possession provisoire des biens d'un absent ?

9. Quels sont ceux qui peuvent être envoyés en possession provisoire des biens d'un absent ? Que doivent-ils faire avant d'entrer en possession ?

10. Quels sont les effets de l'absence relativement au mariage ?

11. A qui appartient le droit de former opposition à la célébration d'un mariage ?

12. Dans quels cas et par qui la nullité d'un mariage peut-elle être demandée ?

(N.B.—Ceux qui concourent pour la médaille sont tenus de répondre à toutes les questions. Ceux qui ne concourent pas ne sont tenus que de répondre à huit des questions, à leur choix.)

SECOND AND THIRD YEARS.

ROMAN LAW.

FRIDAY, MARCH 12TH :—3 TO 5 P.M.

Examiner,.....N. W. TRENHOLME, M.A

1. Indicate the different kinds of ownership known to the Romans, and the nature of the protection enjoyed by each.

2. What are the principal modes of acquiring property given in the Institutes ?

3. Point out the importance of the part played by the theory of acquisition by *occupatio*, and discuss the merits of the claims of *occupatio* as an original means of acquiring individual ownership.

4. When is a person a *bona fide* possessor, and indicate the rights he enjoys against the proprietor claiming the property ? What difference is there between his rights and those of a possessor not in good faith ?

5. Explain the terms : *res mancipi, res nec mancipi ; usucapio, prescriptio, usufructus, usus.*

6. What were the different kinds of wills known to the Romans, and the

riods respectively in which they were in use, and give the requirements each? What wills exist in our law, and whence derived?

7. Give the order of abintestate succession by the law of the XII Tables, d by the Legislation of Justinian?

8. A dies worth $100,000, leaving surviving him a father, two brothers, ree nephews, children of a deceased sister, and also a half-brother and lf-sister. How would his estate be divided by our Code, and how under e Legislation of Justinian?

9. Of what is community of property composed, and when does it exist, nd when does it not exist?

The same question as to dower.

10. By what means are we able to know anything of Roman Law and nstitutions for the period anterior to the XII Tables.

11. Point out the principal changes which the Roman Constitution nderwent in the course of its history, and some of the causes that brought bout these changes?

12. What were *comitia curiata, comitia centuriata, comitia tributa, leges, plebiscita, senatus consulta, principum placita, responsa prudentum, jus Latinum, jus Italicum, jus gentium?*

(Students will answer any eight of the questions and no more, except students of the third year competing for the medal, who will answer all twelve.)

SECOND AND THIRD YEARS.

COMMERCIAL SALES-INTERNATIONAL LAW, PUBLIC AND PRIVATE.

Examiner,.....W. H. Kerr, Q.C., D.C.L.

1. What is the meaning of Domicil in Private International Law? What is Domicil of origin? How is it changed? On abandonment of Domicil of choice what is the consequence?

2. What law regulates the capacity and rights of married persons? What effect has the domicil of the husband and wife upon their respective rights? In the event of a change of domicil during marriage, what consequences follow.

3. A and B are married in a country where divorce is not allowed: they afterwards remove to a state where the tribunals exercise the power of decreeing divorces: A there sues B for, and obtains a divorce; what is the

effect of such decree in other states, especially in the state in which the marriage took place?

4. A and B are cousins, subjects of a state in which marriage between such relations is prohibited. They contract a marriage in England, where one of them, A, is domiciled. Would such a marriage be considered valid by the English Courts? State the reasons for your opinion, and cite any modern cases in which the question has arisen.

5. What is the right of lien? When and in what cases does it arise? When does it cease to exist?

6. What is the right of stoppage *in transitu?* When and in what cases does it arise? When does it cease to exist?

7. What is the meaning of the words "reservation of the *jus disponendi?*" In cases of sale, how is the *jus disponendi* reserved? Where the goods are delivered on board the vendee's own vessel, is it possible to reserve the *jus disponendi?* If yea, how?

8. What is a warranty? How many kinds of warranties are there? Define the different kinds. What are the remedies of the vendee for breach of warranty in a commercial sale?

9. Give a definition of war? What is its effect upon the subjects of the respective states engaged? How are their contracts affected? How is enemy's property within the territory of a belligerent affected?

10. Define neut rality. What are the rights of neutrals? What are their duties? Can a neutral sell a ship of war (unarmed) to a belligerent?

11. What rights have belligerents on the high seas? What is the difference between booty and prize? What courts are Prize Courts? How are they constituted? By what rules are they governed?

12. What is the rule as to property belonging to an enemy on board a neutral vessel searched by a belligerent? What is the rule as to neutral property on board an enemy's vessel captured by a belligerent? Give the changes if any, in the law of nations, or in their practice down to the present time.

SECOND AND THIRD YEARS.

CRIMINAL PROCEDURE. CONSTITUTIONAL LAW. ELECTION LAW.

Examiner, ...PROFESSOR ARCHIBALD.

1. What is arraignment, and describe the procedure connected with it?

2. By what proceedings may the defendant take advantage of informalities or insufficiencies in an indictment, and when must such proceedings be adopted?

3. A is indicted for libel, and the indictment does not set up the exact words used in the libel: Move to quash.

4. Draw an indictment charging B with the larceny of five hogs on the 1st January, four sheep on the 1st February, and three cows on the 1st March, all the property of C.

5. Draw an indictment against D, who was A's clerk, for the embezzlement of $5 on the 1st March, 1880.

6. A, a married man, pays his addresses to B, and obtains from her a promise of marriage, representing himself as a bachelor. B changes her mind and refuses to marry A. A thereupon threatens an action for breach of contract, and obtains £100. Has he committed a criminal offence? If so, draw an indictment against him.

7. What is the nature of the representations which are requisite to support an indictment for false pretences?

8. Is the Dominion Controverted Elections Act of 1874 constitutional, and give your reasons?

9. Would the same reasoning as to the constitutionality of the controverted Elections Act apply also to the Insolvent Act, and give reasons?

10. What are the subjects upon which the Federal and the Local authorities may exclusively make laws, and what is the general rule in reference to unenumerated matter?

11. Are there any limits to the powers of the Federal and Local Legislatures to make laws other than those which result from the division of authority between them, and state them?

12. What are the principal corrupt practices which are sufficient to annul an election under the Dominion Act?

(N. B. Students not competing for the medal are to answer only eight questions at their option. Medal students compete upon the whole paper.)

SECOND AND THIRD YEARS.

CIVIL LAW.

Examiner,.....M. LARRAU.

1. Comment s'estime la valeur de la rente viagère garantie sur un immeuble vendu par décret forcé ; comment s'établit la collocation entre les divers créanciers hypothécaires et dites ce qu'était l'ancien droit (avant le code) sur ces matières ?

2. Une transaction est faite entre les parties au procès ; peu après des documents qui leur étaient inconnus sont découverts : est ce qu'il y a lieu à rescision de la transaction ? *Quid*, quant aux erreurs de calcul ?

3. Dans quels cas la caution qui s'est engagée du consentement du débiteur peut elle agir contre lui, même avant d'avoir payé, pour en être indemnisée ?

4. Combien il y a-t-il de sorte de cautionnement ?

5. La caution judiciaire peut elle demander la discussion du débiteur principal ?

6. Quest-ce que le contrat de nantissement ?

7. Qu'est-ce qu'un gage ?

8. Le gage est-t-il divisible ? *quid*, si la dette est divisible ?

9. Quels sont les droits et les obligations du locateur ?

10. Qu'est-ce que le contrat de jeu et de pari ?

11. Qu'est-ce qu'un bail à cheptel ?

12. Le locateur est il tenu de garantir le preneur du trouble apporté par des tiers ?

(N.B.—*Pour le dégré* 8 questions *ad libitum ; de* 1 *à* 12 *inclusivement pour le prix.*)

SECOND AND THIRD YEARS.

CIVIL PROCEDURE.

Examiner,.....MR. HUTCHINSON.

1. Under what circumstances can an imprisoned debtor obtain an alimentary allowance, and for what amount ?

2. Prepare a form of affidavit for a capias based on the ground that the defendant is about to leave the country.

3. Can a capias issue for a debt contracted in the Province of Ontario? Can an attachment before judgment issue for a debt contracted in that Province? What would be your answer in each case if the debt was contracted in New York?

4. When may a writ of capias be contested together with the merits of the case?

5. Can a writ of capias issue against a defendant after a writ of attachment under the Insolvent Act of 1875 has issued against him? If so, under what circumstances?

6. What is the nature of the bail which a debtor imprisoned under a writ of capias must give to obtain his discharge? How many kinds of bail are there; and on what kind of property must the sureties justify?

7. If the things seized under a writ of simple attachment before judgment be of a perishable nature can an order be obtained before judgment to have them sold? If the things were seized under a writ of revendication what would be your answer?

8. What persons can make the necessary affidavit on which a writ of capias may issue? a writ of simple attachment before judgment, and a writ of revendication?

9. If a tenant owes his landlord $500 for five months rent, how can the landlord bring his action for the recovery of this rent under the Lessor and Lessee's Act, and so proceed summarily?

10. Is an affidavit required by law in the case of every seizure before judgment; must the declaration be served with the writ in each case? If not, what exceptions?

11. What public notices are required in an action, between consorts for separation as to property? Also in an action in separation from bed and board?

12. In separation suits between consorts what exception is there to the general rule as to proof?

SECOND AND THIRD YEARS.

CIVIL LAW.

Examiner,..... ....PROFESSEUR ROBIDOUX.

1o. Comment s'établit l'usufruit?

2o. Que faut-il entendre par fruits naturels? par fruits industriels? Par fruits civils?

3o. Quand les bois sont-ils considérés comme des fruits? Dans quels cas sont-ils considérés comme un capital auquel l'usufruitier ne peut pas toucher?

4o. Quelles sont les obligations de l'usufruitier avant d'entrer en jouissance? pendant sa jouissance? après sa jouissance?

5o. Comment l'usufruit prend-il fin?

6o. Qu'est-ce que le droit d'usage? le droit d'habitation? En quoi ressemblent-ils principalement à l'usufruit et en quoi en diffèrent-ils?

7o. Qu'est-ce qu'une servitude? Comment sont créées les servitudes? Qu' entend-on par fonds servant et fonds dominant?

8o. Qu' est-ce que le bornage? A quelle époque peut-il être demandé? Qui peut le demander? Aux frais de qui est-il fait?

9o. Qu'est-ce qu'un mur mitoyen? Quels murs sont réputés mitoyens? Quand la présomption de mitoyenneté cesse-t-elle?

10o. Qu'est-ce qu'une vue droite? Qu'est-ce qu'une vue oblique? Quelle distance doit-il y avoir, quant aux vues droites, entre le mur où elles sont établies, et l'héritage voisin? Quelle distance, quant aux vues obliques?

11o. Quel droit la loi accorde-t-elle au propriétaire d'un fonds enclavé? *Quid* si l'héritage est enclavé par suite d'un partage?

12o. Qu'est-ce qu'une servitude continue? Discontinue? Apparente? Non-apparente?

Donnez des exemples.

(N.B.—Les étudiants qui ne concourrent pas pour la médaille ne sont tenus de répondre qu'à huit des questions à leur choix; ceux qui concourrent, doivent répondre à toutes les questions.)

FACULTY OF MEDICINE.

SESSIONAL EXAMINATIONS, 1880.

BOTANY.

Examiner,.....J. W. Dawson, LL.D., F.R.S., &c.

1. Explain the relations of Carbonic Acid and Ammonia to the nutrition of the plant.

2. What ingredients are specially needed in fertile soils, and what are the causes of exhaustion of soils?

3. Give the features of continued and relapsing acute Rheumatism, and the relations of these forms to Endocarditis and to treatment.

4. The character of the urine in acute Parenchymatous Nephritis—the treatment of the disease, with the doses?

5. Enumerate the physical signs of "large-lunged" Emphyzema, and the consequences of the affection.

6. Describe the morbid anatomy of Diphtheritic inflammation of the mucous membrane.

7. State the causes of Chorea, and of its cardiac murmurs.

8. *The* remedies and their doses for Chorea and Epilepsy?

9. What are the symptoms of Ulcerative Endocarditis, and what the most important point in the treatment of acute inflammation of the valves?

10. State the considerations that should guide us in recommending change of climate in consumption.

PASS. EXAMINATION IN CHEMISTRY.

Examiner,.....G. P. GIRDWOOD, M.D.

1. When a ray of light falls on a polished surface of a transparent medium, what becomes of it?

2. What is meant by the terms, latent heat, specific heat, atomic heat and sensible heat?

3. Describe the mode of occurrence in nature of oxygen and nitrogen their mode of preparation, and their physical properties.

4. How is Chlorine prepared? what are its properties? Describe the manufacture of H Cl. What are its common impurities, and the tests for their presence?

5. Describe the mode of separating mercury from its ores. How many classes of salts does it form, and what are the tests for the different classes?

6. What is meant by a saturated hydro carbon? write out the formula for one. What is the difference between an homologous series and an isologous series of hydro carbons?

Faculty of Law.

MATRICULATION EXAMINATION, 1880.

Examiners,..... { MR. ARCHIBALD.
MR. LAREAU.

1. Translate into English or French the following extracts :—

(*a*) Lucus in urbe fuit media, lætissimus umbræ
Quo primum jactati undis et turbine Pœni
Effodere loco signum, quod regia Juna
Monstrarat, caput acris equi ; sic nam fore bello
Egregiam et facilem victu per sæcula gentem.
Hic templum Junoni ingens Sidonia Dido
Condebat, donis opulentum et numine divæ,
Aerea cui gradibus surgebant limina nexæque
Aere trabes, foribus cardo stridebat aenis.

Virg. Æn. I, 441-449.

(*b*) Prima luce, quum summus mons a T. Labieno teneretur, ipse ab hostium castri non longius mille et quingentis passibus abesset, neque ut postea ex captivis comperit, aut ipsius adventus, aut Labieni cognitus esset. Considius equo admisso ad eum adcurrit ; dicit montem quem a Labieno occupari voluerit ab hostibus teneri ; id se a Gallicis armis atque insignibus cognovisse.

Cæsar, Bell. Gall. I., 22.

(*c*) Utinam, Quirites, virorum fortium atque innocentium copiam tantam haberetis, ut hæc vobis deliberatio difficilis esset, quemnam potissimum tantis rebus ac tanto bello præficiendum putaretis ! Nunc vero quum sit unus Cn. Pompeius, qui non modo eorum hominum, qui nunc sunt, sed etiam antiquitatis memoriam virtute superarit : quæ res est quæ cujusquam animum in hac causa dubium facere possit ?

Cic. Pro Leg. Manil. c. 10.

2. Translate into English :—

LE MAITRE D'ARMES.—Je vous l'ai déjà dit, tout le secret des armes ne consiste qu'en deux choses, à donner et à ne point recevoir ; et, comme je vous fis voir l'autre jour par raison démonstrative, il est impossible que vous receviez si vous savez détourner l'épée de votre ennemi de la ligne de votre corps, ce qui ne dépend seulement que d'un petit mouvement du poignet ; ou en dedans, ou en dehors.

M. JOURDAIN.—De cette façon donc un homm, sans cœur, est sûr de tuer son homme, et de n'être point tué ?

MOLIÈRE, *Le Bourg. Gent.* II., 3.

3. Give the future indicative, imperfect subjunctive, and past participle of *recevoir*, *naître*, *dire*, *aller*. The plural of *animal*, *bal*, *clou*, *genou*, *œil*.

4. Translate into French :—

The Prince wrote to his idol in the style of a worshipper ; and Voltaire replied with exquisite grace and address. A correspondence followed, which may be studied with advantage by those who wish to become proficients in the ignoble art of flattery. No man ever paid compliments better than Voltaire. His sweetest confectionery had always a delicate, yet stimulating flavour, which was delightful to palates wearied by the coarse preparations of inferior artists. It was only from his hand that so much sugar could be swallowed without making the swallower sick.

MACAULAY, *Essay on Frederick the Great.*

5. Give the general rule for the formation of the plural of English nouns and the principal exceptions thereto. Compare the adjectives *bad*, *lovely*, *proper*, and the adverbs *much* and *well*.

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6. (*a*) *A* can do a piece of work in 12 days, and *A* and *B* together can do it in 5 days ; in what time can *B* alone do it ?

(*b*) What sum will amount to $605 in $2\frac{1}{2}$ years at 4 per cent. simple interest ?

7 (*a*) Reduce to lowest terms the following :

$$x - \cfrac{x-y}{1 + \cfrac{x\,y}{1 + \cfrac{x\,(x-y)}{1 + x\,y -}}}$$

(*b*) Solve the equation

$$\frac{2\,x}{7} + \frac{x-1}{6} = x - 4$$

8. Show that any two sides of a triangle are together greater than the third side.

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9. Relate the principal events which took place in Canada during the administration of Governor de Frontenac.

10. Give a definition of Logic. What is a Syllogism?

11. Name the principal English writers who flourished during the reign of Queen Anne; and mention their best known works.

12. Name the principal philosophers of the German school.

13. What French general was in command at the battle of Jemmapes? When was this battle fought, and between whom?

14. Give the date of the Cession of Canada to Great Britain.

FIRST YEAR.

CRIMINAL LAW.

Examiner,.....PROFESSOR ARCHIBALD.

1. What persons are incapable of committing a crime?

2. The prisoner was indicted for murder, and insanity was pleaded. The proof consisted of a number of circumstances showing strange and unusual conduct on the part of the prisoner: What tests of insanity should the judge direct the jury to apply to this proof to justify an acquittal?

3. A wife went from house to house uttering base coin. Her husband accompanied her, but remained outside. Both were indicted. Should both be convicted? and give you reasons.

4. Define larceny, embezzlement, obtaining by false pretences, burglary, riot, conspiracy, libel.

5. Where the prisoner stopped the prosecutor who was carrying a bed on his shoulders, and told him to lay it down or he would shoot him, and he laid it down on the ground, but before the prisoner could take it up he was apprehended: Had the offence of larcency been completed? and give reasons.

6. Define murder, manslaughter. If two persons fight, and after an interchange of blows on equal terms, one, suddenly and without any such intention at the commencement of the fight, snatched up a deadly weapon and kills the other party with it: Is this murder or manslaughter? and give reasons.

PREMIERE ANNEE.

DROIT CRIMINEL.

Examinateur,.....PROF. ARCHIBALD.

1. Quelles personnes sont incapables de commettre un crime?

2. Le prisonnier est accusé de meurtre, et plaide aliénation mentale. La preuve consiste en plusieurs circonstances démontrant une conduite étrange et insolite de la part de l'accusé. Quels sont les critères d'aliénation mentale que le juge doit ordonner au jury d'appliquer à cette preuve afin de justifier l'absolution du prisonnier.

3. Une femme mariée va de maison en maison émettant de fausse monnaie. Son mari l'accompagne mais reste dehors. Ils sont tous deux accusés. Doivent-ils être condamnés tous les deux? Donnez vos raisons.

4. Définissez le larcin, le larcin par serviteur (*embezzlement*), les faux prétextes, le vol avec effraction (*burglary*), l'emeute, la conjuration, le libelle.

5o. Le prisonnier avait retenu le poursuivant qui portait un lit sur ses épaules, lui disant de le déposer, sans quoi il ferait feu sur lui. Le poursuivant posa le lit à terre, mais le prisonnier fut arrêté avant de pouvoir le prendre. A-t-il commis un larcin? Donnez vos raisons.

6o. Définissez le meurtre, l'homicide non-prémédité (*manslaughter*). Deux personnes se battent et échange des coups de part et d'autre. Soudainement et sans en avoir eu l'intention au commencement de la bataille, l'un des combattants saisit une arme meurtrière et tue son adversaire. A-t-il commis un meurtre ou un homicide non-prémédité?

Donnez vos raisons.

SECOND AND THIRD YEAR.

CRIMINAL PROCEDURE.

Examiner, ...PROFESSOR ARCHIBALD.

1. Define Criminal Procedure, and divide it into its several stages.

2. State the principal cases in which an arrest may be made without a warrant by a constable.

3. A police magistrate having received an information under oath, accusing an individual of larceny, issued a warrant, and after arrest immediately committed the prisoner for trial to the Queen's Bench: Was the course of the magistrate legal? If not, what course should he have followed?

4. What are the duties and powers of a police magistrate respecting bailing prisoners?

5. How is the *jury list*, grand and petit, formed?

6. How is the panel of jurors for any term of court summoned, and what are the incidents connected with it?

7. The prisoner, who was clerk to the prosecutor, was indicted for embezzling certain moneys belonging to his master. The evidence showed that the prisoner had received, at different times, several sums of money from the prosecutor, a dealer in skins, for the purpose of purchasing skins. The prisoner obtained the skins on credit, and applied the money to his own use, but debited the prosecutor in his day-book with several sums of money as having been paid for the skins: Was the offence larceny or embezzlement? and give reasons.

8. A person informs a constable, that an individual whom he points out has stolen his watch; at the same time he points out another individual whom he declares to have obtained his ring by false pretences Thereupon the constable arrests both without a warrant: Was the arrest legal in both cases or in either? and give reasons.

9. Several soldiers employed by the messenger of the Secretary of State to assist in the apprehension of a person *unlawfully* broke open the door of a house where the person was supposed to be. Having done so some of the soldiers began to plunder, and stole some goods: Were all the soldiers guilty of this larceny? and give reasons.

(The first six questions only to be answered by students not competing for the medal; the whole paper for medical students.)

DEUXIEME ET TROISIEME ANNEES.

PROCEDURE CRIMINELLE.

Examiner,..... PROF. ARCHIBALD.

1. Définissez la Procédure Criminelle, et indiquez les différentes périodes de cette procédure.

2. Faites connaître les principaux cas dans lesquels un constable peut appréhender sans un mandat (*warrant*) ?

3. Un magistrat de police reçoit une dénonciation (*information*) sous serment, accusant un individu de larcin, ordonne l'émanation d'un mandat (*warrant*), et immédiatement après l'appréhension de l'inculpé le fait emprisonner en attendant son procès devant la Cour du Banc de la Reine. A-t-il procédé légalement ? Si non, quelle procédure aurait-il dû adopter ?

4. Faites connaître les devoirs et les pouvoirs d'un magistrat de police à l'égard du cautionnement des prisonniers.

5. Expliquez la formation de la liste du jury (grand et petit).

6. Comment se fait l'assignation du tableau des jurés pour un terme de la Cour ? Donnez les incidents d'une telle assignation.

7. Le prisonnier, commis du poursuivant, fut accusé d'avoir soustrait (*embezzled*) certaines sommes appartenant à son maître. La preuve établit que le prisonnier avait reçu à différentes époques plusieurs sommes d'argent du poursuivant, marchand de peaux, pour acheter des peaux. Le prisonnier se fit donner les peaux à crédit et employa l'argent à son propre usage, mais dans son livre-journal fit paraître le poursuivant comme débiteur de plusieurs sommes soi-disant payées pour les peaux. Le prisonnier est-il coupable de larcin ou d'*embezzlement?* Donnez vos raisons.

8. Une personne dénonce un individu à un constable comme ayant volé sa montre. En même temps il indique un second individu qu'il accuse d'avoir obtenu sa bague sous faux prétextes. Là-dessus le constable les appréhende tous deux sans mandat. L'arrestation est-elle légale dans les deux cas, ou dans l'un seulement ? Donnez une réponse motivée.

9. Plusieurs soldats employés par l'émissaire du secrétaire d'Etat pour aider dans l'appréhension d'une personne, forcèrent *illégalement* la porte d'une maison dans laquelle on croyait trouver l'accusé. Là-dessus les soldats commencèrent a piller, et volèrent quelques effets. Sont-ils tous coupables de larcin ? Donnez vos raisons.

(Les étudiants qui ne concourrent pas pour la médaille répondront aux six premières questions seulement : ceux qui concourrent répondront à toutes les questions)

INTERNATIONAL LAW AND INSURANCE.

Professor, ... W. W. H. KERR, Q.C., D.C.L.

1. In order to float a ship after stranding, some of the goods laden on board of her are put into two lighters to be carried on shore; it becomes necessary, to save one of the lighters from foundering, to jettison some of the goods on board of her: the ship and cargo are totally lost, the lighters reach shore, and land the goods (with the exception of those jettisoned) safely. What recourse have the owners of the jettisoned goods, if any?

2. A person insured his life for $10,000, payable to his heirs and assigns, and a Policy was issued in his favor; he afterwards transferred the Policy to one of his creditors, to whom he owed $10,000, with the consent of the Company, the premiums were regularly paid, and he committed suicide during the continuance in force of the Policy, under the delusion that he had received a command from God to kill himself. Can his assignee maintain an action to recover the amount insured against the Company? Give your reasons, pro or con.

3. During the war between the United and Confederate States, a British vessel sailed from Liverpool in England for Matamoras, on the Rio Grande,—that river being the boundary between Texas, one of the Confederate States, and Mexico—laden in great part with boots fit for soldiers' use, cavalry bridles and saddles, quinine and rifles,—a portion of this cargo belonging to the Shipowner. One hundred miles from the Coast of Ireland a United States cruiser seized her, and she was in due course, with her cargo, libelled in a United States Prize Court. Upon what grounds was the condemnation asked for, and what should have been the decree?

4. The land surrounding the Black Sea is owned by Turkey and Russia, the land on both sides of the Straits connecting that sea with the Mediterranean is owned by Turkey, and in many places is less than six miles wide—apart from Treaty regulations what are the rights of Russia (if any) to the passage of those Straits?

5. A, the proprietor of a house valued at $10,000, insures it against fire for $8,000. B, who holds a mortgage on it, insures it against fire for $6,000, amount of his mortgage. The house is burned. What are the rights of the proprietor and the mortgagee against their respective insurers?

6. The prime cost of goods insured is $2,000, and they are so valued in the Policy, being damaged by a peril of the sea, they sell for $500 in the market, where their sound price would be $1,000, how much does the Insurer pay?

7. A vessel valued in the Policy of Insurance at $20,000, and insured for that amount, but actually worth $30,000, leaves Montreal for Liverpool with a cargo of the value of $50,000, the freight on the same being $5,000.

A general average loss occurs amounting to $15,000, how will contribution in that case be divided amongst the different interests, and what amount will the shipowner be entitled to recover from the insurer of the ship?

8. During the war between Great Britain and France, in 1800, an English vessel was captured by a French man-of-war belonging to a Squadron: the officers and crew, with the ship's papers, were taken out and put on board the enemy's ship, and a prize crew put on board the captured vessel, where they remained for more than twenty-four hours. The prize crew were then removed, and the commander of the Squadron ordered the prize to be burned, which was attempted without success. She was then abandoned, and was afterwards taken possession of by an American ship and safely brought into Boston. The owners and crew of the American vessel filed their libel in one of the United States Prize Courts, the British Consul on behalf of the original owners put in a claim, and demanded restoration on payment of salvage. The French Consul, on behalf of the French Republic, filed his claim to the vessel and cargo as the property of the Captors, by the law of nations. What should have been the decree of the Court?

9. A Bill of Exchange was drawn and endorsed by the defendants in England, on French subjects resident in Paris (France), and was accepted by them in Paris. The bill on its face was payable on the 5th October, 1870: before that date the Emperor of the French, in consequence of the War with Germany, enlarged the time for the payment and protesting of current Bills of Exchange for one month; and the time was afterwards enlarged from time to time by the Government of France for the time being. By these enlargements the defendants' bill did not become payable until the 5th September, 1871. On that day the bill was presented to the acceptors, and payment refused: it was protested, and notice of dishonor was given to all parties concerned, in due time, after the 5th September, 1871.

Can an action be maintained against the defendants in England for the amount of the Bill of Exchange and costs of protest, at the suit of their indorsee, for value? State your reasons for your opinion?

(The first six questions for ordinary students, the whole to be answered by those competing for the medal and the Professors prize.)

University School Examinations

1881.

PRELIMINARY SUBJECTS.

GEOGRAPHY.

WEDNESDAY, 1ST JUNE :—AFTERNOON, 2 TO 4.

Examiner,..... { J. CLARK MURRAY, LL.D.
REV. PROF. SCARTH, M.A.
CHARLES E. MOYSE, B.A.

1. Define Latitude and Longitude.

2. (*a*) What are the two Hemispheres into which the earth is divided by one of the meridian circles ? (*b*) Which of these Hemispheres is called the Old World ; which, the New ? (*c*) Which has most water; which, most laed ?

3. (*a*) What are the two Hemispheres into which the earth is divided by the equator ? (*b*) Which has most water ; which, mosl land ?

4. Name the continents of the Old World, and describe their relative positions.

5. Name any two great rivers in each of the Old World continents, and the seas into which they flow.

6. (*a*) What is an Isthmus ? (*b*) Name one which joins two continents in the Old World, and one which joins the two main divisions of the New.

7. Name any four of the great mountain ranges of Europe, and describe their positions.

8. Describe the position of each of the following countries, and name its capital :—Spain, Brazil, Persia, Mexico, Belgium, Greece, Afghanistan.

9. Name in order, proceeding from north to south, those of the United States which lie on the Atlantic coast.

10. Name in order, proceeding from east to west, the provinces of the Dominion of Canada, with the capital of each.

11. Draw a map showing the relative positions of the five great lakes and the course of the St. Lawrence.

7. When, between whom, and with what results were fought the battles of Hastings, Bannockburn, Crecy, Agincourt, Worcester, Boyne? What were the Treaty of Utrecht, the Peace of Amiens, the Peace of Paris?

8. State briefly who were Stephen Langton, the Spensers, Jack Cade, Fairfax, Thomas Cromwell, Rizzio, Laud, Cardinal Pole.

GENERAL GEOGRAPHY.

1. Explain the terms:—*Latitude*, *Zone*, *Trade-wind*, *Simoon*, *Isothermal line*, *Magnetic Pole*.

2. Name, and state in what parts of the world are found:—

(*a*) The greatest bodies of fresh water.
(*b*) The largest salt-water lakes.
(*c*) The longest rivers.
(*d*) The highest mountain ranges.
(*e*) The widest deserts.

3. What countries produce, in greatest abundance, coal, iron, copper, salt; wheat, cotton, silk, wool; timber, cattle, hides?

4. What are the chief foreign possessions of England, and where situated?

5. Draw the coast line East of Asia from Behring Straits to Malacca, and put in the names of chief islands, countries, cities, and mouths of rivers.

6. What and where are Algiers, the sea of Aral, Bolivia, Borneo, Corsica, the Crimea, Cuba, the Great Belt, Thunder Bay, the Persian Gulf, the White Sea, Cadiz, the Malabar Coast?

Faculty of Law.

ROMAN LAW.

FIRST YEAR.

MARCH 9TH, 1883:—4 TO 6 P.M.

Examiner,.....N. W. TRENHOLME, M.A., B.C.L.

1. Define law; and point out the different conceptions and forms of law that prevailed at different epochs, according to Maine.

2. What is the true source of law? And describe and classify under their proper heads of direct and indirect law-making what are called the sources of Roman Law.

3. To what part of law does the first book of the *Institutes* correspond? And describe the legal institutions contained therein, and indicate which of these exist in our law.

4. State briefly what you understand by the history of Roman Law; how would you divide it, and what are some of the benefits to be derived from its study.

5. Give some account of the *Corpus Juris Civilis* and of the works composing it.

6. Explain fully: *Leges Agrariæ*, *Latini*, *comitia curiata*, *comitia centuriata*, *comitia tributa*, *leges sacræ*, *lex Canuleia*, *lex Hortensia*, Licinian rogations.

FIRST YEAR.

CRIMINAL LAW.

MONDAY, 12TH MARCH, 1883.

Examiner,.....PROFESSOR ARCHIBALD.

1. Define Larceny. A watchmaker to whom a watch was given by the owner for the purpose of having it regulated, disposed of the watch and applied the proceeds to his own purposes: Was he guilty of larceny, and give reasons for your opinion?

2. A lady wishing to get a railway ticket, the price of which was ten shillings, finding a crowd at the pay place at the station, asked the prisoner, who was nearer in to the wicket, to get a ticket for her, and handed him a sovereign to pay for it. He took the sovereign intending to steal it, and instead of getting the ticket ran away. Was he guilty of larceny, and give reasons?

3. Upon an indictment for receiving stolen goods found in the possession of the prisoner where there is no direct evidence of guilty knowledge on his part, what circumstances are material in proof of that fact?

4. What were the principal alterations introduced into the law of libel by Lord Campbell's Act: where two proprietors of a newspaper had completely distinct functions, one having charge of the literary, the other of the commercial, each having a general authority to manage his own department, and a libel was published in the literary department during the absence of the commercial editor, and without his knowledge. Would the latter be responsible? Would the question be in any way affected by the previous character of the newspaper?

5. Define conspiracy. Is it necessary that the object of the conspiracy should be accomplished? What circumstances are material to prove conspiracy?

6. State the rules of law relating to the limitations of responsibility for criminal acts arising from want of sufficient age.

BIBLIOGRAPHIE LÉGALE.

PREMIERE ANNEE.

MARDI, 13 MARS, 1883.

Examinateur,..... ....PROF. LAREAU.

1. Quels sont les éléments du Droit Canadien?

2. Quelles sont les principales ordonnances des rois de France au XVI. siècle, et dites ce qu'elles contiennent de remarquable?

3. Qu'est-ce que la Coutume de Paris; et qu'est-ce que l'Ordonnance de 1667?

4. Comment était organisée l'administration de la justice sous la domination française?

5. Quelles sont les principales clauses de l'acte de Québec (1774)?

6. Quelles sont les principales dispositions de l'acte constitutionel de 1791.

FIRST YEAR.

CIVIL PROCEDURE.

WEDNESDAY, MARCH 14TH:—4 TO 6 P. M.

FIRST YEAR.

Examiner,.....M. HUTCHINSON, B.C.L.

1. A gives his note to B, a resident of Quebec, dated and made payable at Montreal. B endorses it at Quebec, and transfers it to C. Can C sue B alone on the note in the District of Montreal? Give reasons.

2. A enters into a contract in New York by which he agrees to pay B a sum of money. Can B sue for the recovery of his debt in Montreal? Give reasons, and state under what circumstances a declinatory exception would lie?

3. A note is dated and made payable in the District of Bedford, where the maker resides, and is endorsed by A, B and C, also residents of the District of Bedford. D, the holder, institutes an action on the note in Montreal, where he serves C personally, the other defendants being served at their respective domiciles. Has any one of the defendants a ground for a declinatory exception? Give reasons.

4. How would you describe in a suit "The Montreal Cotton Co.," if it was a corporate body, and "The Montreal Lumber Co.," if it was the business name of a partnership composed of John Brown and Thomas Jones?

5. How is service of action made upon a general partnership composed of several persons? How upon the captain or master of a ship who has no domicile in this Province? How upon a church fabrique?

6. In how many ways may a defendant resident in Toronto be summoned before our Courts? Describe each.

7. Give an instance in which a suit may be stayed by a dilatory exception, and state within what delay it must be fyled, and under what circumstances might other preliminary exceptions be fyled later.

8. What is the difference between a case of personal warranty and real warranty as regards the rights of the warrantor to take up the defence of the defendant?

9. A default case is pending before our Superior Court founded upon a detailed account for goods sold and delivered. The only witness who can prove the account is in New York. Before whom must his affidavit be sworn in order that judgment may be obtained on it here?

FIRST YEAR.

CIVIL LAW.

THURSDAY, 15TH MARCH, 1883.

Examiner, ... J. E. ROBIDOUX.

1. When and under what conditions does a woman an alien be come a British subject?

2. What are the effects of civil death?

3 Who keeps the registers of civil status? Who has authority to deliver extracts from the same?

4. How many kinds of domicile are known to the civil law? What persons have no domicile distinct and independent from the domicile of other persons?

5. What are the effects of absence: (*a*) with regard to the property of the absentee, (*b*) with regard to his eventual rights, (*c*) with regard to his consort?

6. When and on what grounds may the nullity of marriage be demanded by the consorts *only?* When may the nullity of marriage be demanded by parties other than the consorts, and who are the parties who can demand such nullity?

FIRST YEAR.

COMMERCIAL LAW.

FRIDAY, 16TH MARCH, 1883.

Examiner, ...L. H. DAVIDSON, M.A., B.C.L.

Agency—Partnership.

1. Define "Agency," and state what are *essentials* in respect of the contract. Who may appoint an agent, or grant a mandate, and who may act as agent? Explain fully the exceptions to general rule in each instance. Explain the maxim "Vicarius non habet vicarium."

2. Explain the particulars distinguishing the following classes of commercial agents from each other: (1) Auctioneers from Brokers. (2) Ordinary Brokers from Stock Brokers. (3) Ships' Husbands from Masters of Ships.

Explain the principle, "No man can be allowed to have an interest against his duty" as applied to agency.

3. What are the chief obligations of the principal towards his agent? What is a factor? What special powers does he possess relatively to his principal and third parties?

4. What is the effect of the agent entering into a contract in his own name as to his principal and as to third parties? Explain fully.

5. Define "Partnership." State the different kinds of commercial partnership, defining each.

6. What is the position of partners towards each other, as to the partnership property? as to dealing with third parties? What declaration is necessary under our law upon the formation of a partnership? And what is the effect of failing to comply with the law in this behalf?

INTERNATIONAL LAW AND INSURANCE.

SECOND AND THIRD YEARS.

THURSDAY, 8TH MARCH, 1883:—4 TO 6 P. M.

Examiner,.....W. W. H. KERR, Q.C., D.C.L.

1. A neutral vessel is hired by a belligerent as a transport, and is then despatched as part of a fleet, carrying troops, to make a descent upon the coast of the enemy, and is captured by one of the latter's cruisers. Is the vessel good prize? Give reasons.

2. D, domiciled in Scotland, marries, in London, B, an Englishwoman domiciled in England. D abandons his wife, goes to the United States, and there obtains a divorce. B marries again in England, immediately on hearing of the divorce. Is B guilty of bigamy?

3. A ship is insured for a voyage from Quebec to Liverpool, but clears for London. The master, however, in lieu of holding the vessel's course for London, sails direct for Liverpool, and the vessel arrives there in a damaged condition caused by perils of the sea. Is the insurer liable? Give reasons.

4. During the war between the United and Confederate States a vessel sailed from Liverpool, bound for Matamoras, in Mexico, a neutral port, loaded with arms and munitions of war. When within 2 miles and a half of the Coast of France she was overhauled by an American cruiser, taken possession of, and carried into an American port, where vessel and cargo were libelled as prize of war. Were the same good prize, and who would be the proper parties, if any, to claim the delivery to them of said ship and cargo? Give reasons.

5. D, a German, emigrates to the United States, acquires a domicile in the State of New York, and becomes naturalized; he then abandons his domicile there, sails for England, with the intention of acquiring a domicile in

Scotland, but dies intestate on his arrival at Liverpool, leaving moveables in the State of New York. By what law is the succession to those moveables regulated? Give reasons.

6. A applied to an agent of an Insurance Company to effect a policy of insurance on his property to the extent of $2000. This application was refused by the agent. A then applied to another agent of the same Company, and the risk was accepted and policy issued without his revealing to such second agent the previous application and refusal. The premises were burned during the continuance of such policy. Is the Insurance Company liable? Give reasons.

SECOND AND THIRD YEARS.

ROMAN LAW.

MARCH 9TH, 1883:—4 TO 6 P. M.

Examiner,.....N. W. TRENHOLME, M.A., B.C.L.

1. Point out some of the successive steps in the development of the Roman law of contract.

2. How is *obligatio* defined in the Institutes, and what is the value, if any, of the division of obligations given therein? What other division is there?

3. Give some account of the growth of the law of *pignus* in Roman Law, and of the actions connected therewith?

4. Indicate the principal differences in the obligations of the vendor and remedies of the purchaser as regards warranty in Roman Law, in old French Law and under our Code.

5. What are the *actio redhibitoria*, *actio quanti minoris*, when may they be exercised, and to what branch of Roman Law are we indebted for our law on this subject?

6. What is the *condictio indebiti*, when did it lie in Roman Law, when does it lie in our law, and what are the obligations of the debtor thereunder by our Code?

7. What are the different kinds of *depositum*, and point out differences in the obligations of the parties in each?

8. Give an historic account of the different kinds of sureties in Roman Law, and of their obligations and rights.

9. Define, *manus*, *confarreatio*, *usucapio*, *dominium*, *Jus Latinum*, *Jus Italicum*, *Bonorum possesio*, *comitia curiata*, *centuriata* and *tributa*, *principum placita*.

The first six questions for ordinary, and all nine for medal.

CRIMINAL PROCEDURE AND CONSTITUTIONAL LAW.

SECOND AND THIRD YEARS.

MONDAY, 12TH MARCH, 1883.

Examiner,..... PROF. ARCHIBALD.

1. What are the principal parts of an indictment?

2. Charles Henry, on March 1st, stole ten yards of broadcloth from a firm doing business under the name of Francis Smith & Co., composed of Francis Smith and John Jones, at Montreal: Draw an indictment against him: Insert also a count for receiving stolen goods (that is the same goods) against him.

3. What do you understand by the terms jury list, panel of jurors? How is the jury list formed?

4. Give a resumé of the proceedings before justices necessary to arrive at the committal of a prisoner for trial.

5. Describe the process by which the attendance of a sufficent number of jurors at the sessions of the criminal court is secured.

6 .Give your views and arguments as to the constitutionality of the Act, 45 Vic. cap. 22, imposing burdens on certain corporations.

7. The directors of a joint stock bank, knowing it to be in a state of insolvency, issued a balance sheet shewing a profit, and thereupon declared a dividend of six per cent. They also issued advertisements inviting the public to take shares upon the faith of their representations that the bank was in a flourishing condition. Were they guilty of any, and if so what criminal offence?

8. Two persons were joint proprietors and editors of a newspaper, one, however, having complete control of the literary and the other of the commercial departments, neither interfering with the other, or knowing what the other did. A libel was published in the literary department during the absence of the commercial editor, and without his knowledge. The literary department of the paper had frequently previously contained libellous matter. Ought the commercial editor to be convicted of the libel?

9. Have our local Legislatures jurisdiction to pass laws restraining the sale of intoxicating liquors on Sundays, or after 11 p.m. on other days? Give reasons for your opinion.

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*Competitors for the Medal answer the whole paper, others will answer only the first six questions.

SECONDE ET TROISIÈME ANNÉES.

LOI CIVILE.

MARDI, 13 MARS, 1883.

Examinateur, ...PROF. LAREAU.

1. Quelles sont les qualités requises par la loi pour que la possession soit utile à la prescription?

2. Qu'entendez-vous par possession précaire, et qu'appelez-vous interversion de titre?

3. Quelles sont les choses que la loi déclare imprescriptibles?

4. Quelles sont les causes qui interrompent la prescription?

5. Quelles sont les causes qui suspendent le cours de la prescription?

6. Dans quels cas peut-on invoquer utilement la prescription de 30 ans, et dans quels cas peut-on invoquer celle de 10 ans?

7. Quelles sont les personnes sujettes à l'emprisonnement en matières civiles?

8. Quelle est la différence entre le privilége et l'hypothèque?

9. Comment et dans quel ordre s'établit le privilége sur les meubles, et sur les immeubles?

SECOND AND THIRD YEARS.

CIVIL PROCEDURE.

WEDNESDAY, MARCH 14TH:—4 TO 6.

SECOND AND THIRD YEARS.

Examiner, ...M. HUTCHINSON, B.C.L.

1. A is sued on a promissory note which he alleges in his plea is forged, upon whom at the institution of the action rests the burden of proof, and how may it be thrown from one party on to the other?

2. What is a demurrer? Give an example.

3. What is the object of an Intervention in a suit? At what stage of the suit can it be fyled, and what is the effect of it when allowed?

4. Can a husband joined in a suit merely to authorize his wife be summoned to answer interrogatories *sur faits et articles?* Can he be examined as a witness; if so, for whom and under what circumstances?

5. How can a corporate body which is a party to a suit answer interrogatories *sur faits et articles?* Can supplementary questions be put? Give reasons.

6. In what cases may evidence be taken before the trial of the cause? State how such evidence is taken both as regards witnesses in this province and in a foreign country.

7. A suit is pending in Montreal. In how many ways may the evidence of witnesses resident at Quebec be obtained? Describe each mode.

8. A landlord claims from his tenant $500 damages done to a house rented by the latter. The tenant applies for a jury trial. Is he entitled to it? Give reasons.

9. How, and before what Court must judgment be obtained on a verdict of a jury for the plaintiff? How opposed?

SECONDE ET TROISIEME ANNEE.

LOI CIVILE.

15 MARS, 1883.

Examinateur, ...PROF. J. E. ROBIDOUX.

1. Qu'entend-on par fruits naturels et par fruits civils? Comment s'acquièrent les fruits naturels? Comment s'acquièrent les fruits civils?

2. Quand l'usufruitier peut-il se libérer en rendant *l'estimation* mentionnée dans l'article suivant, "Si l'usufruit comprend des choses dont on "peut faire usage sans les consommer, comme l'argent, les grains, les "liqueurs, l'usufruitier a le droit de s'en servir, mais à la charge d'enrendre "une pareille quantité, qualité, ou *leur estimation*, à la fin de l'usufruit."

3. Quelles sont les dispositions du Code Civil relativement à l'usufruit des animaux?

4. En quoi une stipulation faite en vertu des dispositions de l'article 1029 du Code Civil? "On peut pareillement stipuler au profit d'un tiers, lors-"que telle est la condition d'un contrat que l'on fait pour soi-même, ou "d'une donation que l'on fait à un autre" ressemble-t-elle à une substitution? En quoi en diffère-t-elle?

5. Par quel acte peut-on créer une substitution? Qui peut se prévaloir du défaut d'enregistrement d'une substitution?

6. Quelle différence y a-t-il entre les droits de l'usufruitier, à l'extinction de l'usufruit et les droits du grevé de substitution, à l'ouverture de la substitution?

7. Un usufruitier protestant est-il tenu de payer les cotisations imposées sur un immeuble sujet à son usufruit, pour l'érection d'une église catholique, le nu propriétaire étant catholique ?

8. Quand l'aliénation finale des biens substitués peut-elle avoir lieu validement pendant la substitution ?

9. Quelle doit être la nature du titre contenant une prohibition d'aliénés.

N.B.—Les élèves qui ne concourent pas pour la médaille ne répondront qu'aux six premières questions.

Ceux qui concourent pour la médaille répondront à toutes les questions.

COMMERCIAL LAW.

SECOND YEAR;—THIRD YEAR FOR DEGREE OF B.C.L.

FRIDAY, 16TH MARCH.

Examiner,.....PROF. DAVIDSON.

Partnership—Joint Stock Companies.

1. Define "Partnership," and specify what is essential to its existence. State the rules as to determining whether a partnership exists or not relatively to third parties and apart from special agreement evidencing it. Explain fully.

2. Name the different kinds of Commercial Partnerships, and define each, explaining the position of the partners in regard to third parties. Explain fully.

3. Explain the points of difference between Joint Stock Companies and (1) Ordinary Partnerships and (2) Corporations proper. How are Joint Stock Companies formed? Explain the steps necessary.

4. Explain these maxims applicable to Partnerships: "*Tenet totum in "communi et nihil separatim per se,*" and Each partner is "*præpositus negotiis societatis.*"

5. In what way may partnerships be dissolved? What is the effect of dissolution as to the partners themselves? As to their liability towards third parties for the debts due at the time of the dissolution? As to debts incurred after dissolution in the name of the firm?

6. What is the rule as to the application of private property of the members of the firm to the partnership liabilities?

7. May partnerships unlimited as to duration be dissolved at the will of any one of the partners, and if so how? Explain at length.

8. How far can one partner bind the firm by guarantee given in its name for the debt of a third party? Give the test of the validity of such a guarantee.

9. What are the powers of Directors of a Joint Stock Company under the Dominion Act? How are they regarded in their dealing with third parties? To what extent do they bind the Company?

(The first six questions are for ordinary students; those competing for the Medal must answer all the questions.)

THEORY AND PRACTICE OF NOTARIAL DEEDS AND PROCEEDINGS.

TUESDAY, 13TH MARCH, 1883:—4 TO 6 P. M.

Examiner,.....LEWIS A. HART, M.A., B.C.L.

1. Mention and explain the principal divisions of notarial deeds, (1) as to their form, and (2) as to their substance or matter.

2. In what form should the accessory acts necessary to complete the principal deed be made, in those cases where the law requires the deed to be passed before a notary? Mention some instances, and give reasons for your opinion.

3. What are the cases in which a notarial deed must be passed *en brevet*; and state the reasons why, in such cases, the deed cannot be made *en minute?*

4. Can a notary stipulate or accept for an absent party; and, if not, why not?

5. Draft the mentions to be made in the principal deed and on the document annexed, (1) when the latter is executed under private seal, and (2) when it is made *en brevet.*

6. A notary, assisted by witnesses, is receiving the will of a sick person whose death may at any moment occur. The testator declares that he can sign; but when he takes the pen in hand to do so, he states that he cannot sign on account of momentary weakness, and that he will sign presently. What should the notary do in such a case? Draft the closing part of a will made under such circumstances.

7. When a party has falsely declared in a deed that he did not know how to sign, is the deed null? How is it in the case of a will? Give reasons for your opinion.

8. A notary is called upon to receive a will for a stranger, of whose language he is ignorant, and who does not understand English. Two witnesses are at hand to assist in receiving the will, but one of them only knows the English language, while the other witness understands both English and the language of the testator, and acts as interpreter. The notary, assisted by these two witnesses, executes the will in the English language. Is the will valid? What is the jurisprudence of our courts upon the subject?

9. What are the cases in which it is advisable to state whether a deed has been passed in the fore or in the afternoon? What advantage may sometimes result from such mention?

Students not competing for the Medal will answer the first six questions only; those competing will answer the whole paper.

University School Examinations.

ENGLISH GRAMMAR. (PRELIMINARY.)

MONDAY, JUNE 4TH :—MORNING, 9 TO 11.

Examiners ..... { CHAS. E. MOYSE, B.A.
REV. A. WILLIAMSON.
REV. PROF. SCARTH, M.A.
REV. C. P. READ, M.A. }

1. Into what classes may nouns and adjectives be divided? Give instances.

2. In what cases are capital letters to be used instead of small?

3. Give a plain rule for the gender of nouns.

4. What do you mean by :—root, derivative, inflexion, prefix, tense, transitive?

5. What is the meaning of a 'direct object' and an 'indirect object' in a sentence?

6. What are 'simple,' 'compound,' and 'complex' sentences? Give examples.

7. Give the past tense and complete participle of :—split, read, shine, think, slide, spring, stride.

8. From what sources are English words derived? Give any marks by which their different origins may be distinguished.

9. What is the difference between a personal and a relative pronoun?

10. Write the plural of pea, penny, this, money, die, memorandum.

11. Analyse :—

"We now take up the second series of sub-orders of insects, in which the different segments of the body shew a strong tendency to remain equal in size, as in the larva state: in other words, there is less concentration towards the head."

7. When, between whom, and with what results were fought the battles of Hastings, Bannockburn, Crecy, Agincourt, Worcester, Boyne? What were the Treaty of Utrecht, the Peace of Amiens, the Peace of Paris?

8. State briefly who were Stephen Langton, the Spensers, Jack Cade, Fairfax, Thomas Cromwell, Rizzio, Laud, Cardinal Pole.

GENERAL GEOGRAPHY.

1. Explain the terms:—*Latitude*, *Zone*, *Trade-wind*, *Simoon*, *Isothermal line*, *Magnetic Pole*.

2. Name, and state in what parts of the world are found:—

(*a*) The greatest bodies of fresh water.
(*b*) The largest salt-water lakes.
(*c*) The longest rivers.
(*d*) The highest mountain ranges.
(*e*) The widest deserts.

3. What countries produce, in greatest abundance, coal, iron, copper, salt; wheat, cotton, silk, wool; timber, cattle, hides?

4. What are the chief foreign possessions of England, and where situated?

5. Draw the coast line East of Asia from Behring Straits to Malacca, and put in the names of chief islands, countries, cities, and mouths of rivers.

6. What and where are Algiers, the sea of Aral, Bolivia, Borneo, Corsica, the Crimea, Cuba, the Great Belt, Thunder Bay, the Persian Gulf, the White Sea, Cadiz, the Malabar Coast?

Faculty of Law.

ROMAN LAW.

FIRST YEAR.

MARCH 9TH, 1883:—4 TO 6 P.M.

Examiner,.....N. W. TRENHOLME, M.A., B.C.L.

1. Define law; and point out the different conceptions and forms of law that prevailed at different epochs, according to Maine.

2. What is the true source of law? And describe and classify under their proper heads of direct and indirect law-making what are called the sources of Roman Law.

3. To what part of law does the first book of the *Institutes* correspond? And describe the legal institutions contained therein, and indicate which of these exist in our law.

4. State briefly what you understand by the history of Roman Law; how would you divide it, and what are some of the benefits to be derived from its study.

5. Give some account of the *Corpus Juris Civilis* and of the works composing it.

6. Explain fully: *Leges Agrariæ, Latini, comitia curiata, comitia centuriata, comitia tributa, leges sacræ, lex Canuleia, lex Hortensia*, Licinian rogations.

FIRST YEAR.

CRIMINAL LAW.

MONDAY, 12TH MARCH, 1883.

Examiner,.....PROFESSOR ARCHIBALD.

1. Define Larceny. A watchmaker to whom a watch was given by the owner for the purpose of having it regulated, disposed of the watch and applied the proceeds to his own purposes: Was he guilty of larceny, and give reasons for your opinion?

2. A lady wishing to get a railway ticket, the price of which was ten shillings, finding a crowd at the pay place at the station, asked the prisoner, who was nearer in to the wicket, to get a ticket for her, and handed him a sovereign to pay for it. He took the sovereign intending to steal it, and instead of getting the ticket ran away. Was he guilty of larceny, and give reasons?

3. Upon an indictment for receiving stolen goods found in the possession of the prisoner where there is no direct evidence of guilty knowledge on his part, what circumstances are material in proof of that fact?

4. What were the principal alterations introduced into the law of libel by Lord Campbell's Act: where two proprietors of a newspaper had completely distinct functions, one having charge of the literary, the other of the commercial, each having a general authority to manage his own department, and a libel was published in the literary department during the absence of the commercial editor, and without his knowledge. Would the latter be responsible? Would the question be in any way affected by the previous character of the newspaper?

5. Define conspiracy. Is it necessary that the object of the conspiracy should be accomplished? What circumstances are material to prove conspiracy?

6. State the rules of law relating to the limitations of responsibility for criminal acts arising from want of sufficient age.

BIBLIOGRAPHIE LÉGALE.

PREMIERE ANNEE.

MARDI, 13 MARS, 1883.

Examinateur,..... ....PROF. LAREAU.

1. Quels sont les éléments du Droit Canadien?

2. Quelles sont les principales ordonnances des rois de France au XVI. siècle, et dites ce qu'elles contiennent de remarquable?

3. Qu'est-ce que la Coutume de Paris; et qu'est-ce que l'Ordonnance de 1667?

4. Comment était organisée l'administration de la justice sous la domination française?

5. Quelles sont les principales clauses de l'acte de Québec (1774)?

6. Quelles sont les principales dispositions de l'acte constitutionel de 1791.

FIRST YEAR.

CIVIL PROCEDURE.

WEDNESDAY, MARCH 14TH:—4 TO 6 P. M.

FIRST YEAR.

Examiner,.....M. HUTCHINSON, B.C.L.

1. A gives his note to B, a resident of Quebec, dated and made payable at Montreal. B endorses it at Quebec, and transfers it to C. Can C sue B alone on the note in the District of Montreal? Give reasons.

2. A enters into a contract in New York by which he agrees to pay B a sum of money. Can B sue for the recovery of his debt in Montreal? Give reasons, and state under what circumstances a declinatory exception would lie?

3. A note is dated and made payable in the District of Bedford, where the maker resides, and is endorsed by A, B and C, also residents of the District of Bedford. D, the holder, institutes an action on the note in Montreal, where he serves C personally, the other defendants being served at their respective domiciles. Has any one of the defendants a ground for a declinatory exception? Give reasons.

4. How would you describe in a suit "The Montreal Cotton Co.," if it was a corporate body, and "The Montreal Lumber Co.," if it was the business name of a partnership composed of John Brown and Thomas Jones?

5. How is service of action made upon a general partnership composed of several persons? How upon the captain or master of a ship who has no domicile in this Province? How upon a church fabrique?

6. In how many ways may a defendant resident in Toronto be summoned before our Courts? Describe each.

7. Give an instance in which a suit may be stayed by a dilatory exception, and state within what delay it must be fyled, and under what circumstances might other preliminary exceptions be fyled later.

8 What is the difference between a case of personal warranty and real warranty as regards the rights of the warrantor to take up the defence of the defendant?

9. A default case is pending before our Superior Court founded upon a detailed account for goods sold and delivered. The only witness who can prove the account is in New York. Before whom must his affidavit be sworn in order that judgment may be obtained on it here?

FIRST YEAR.

CIVIL LAW.

THURSDAY, 15TH MARCH, 1883.

Examiner, ... J. E. ROBIDOUX.

1. When and under what conditions does a woman an alien be come a British subject?

2. What are the effects of civil death?

3. Who keeps the registers of civil status? Who has authority to deliver extracts from the same?

4. How many kinds of domicile are known to the civil law? What persons have no domicile distinct and independent from the domicile of other persons?

5. What are the effects of absence: (*a*) with regard to the property of the absentee, (*b*) with regard to his eventual rights, (*c*) with regard to his consort?

6. When and on what grounds may the nullity of marriage be demanded by the consorts *only?* When may the nullity of marriage be demanded by parties other than the consorts, and who are the parties who can demand such nullity?

FIRST YEAR.

COMMERCIAL LAW.

FRIDAY, 16TH MARCH, 1883.

Examiner, ...L. H. DAVIDSON, M.A., B.C.L.

Agency—Partnership.

1. Define "Agency," and state what are *essentials* in respect of the contract. Who may appoint an agent, or grant a mandate, and who may act as agent? Explain fully the exceptions to general rule in each instance. Explain the maxim "Vicarius non habet vicarium."

2. Explain the particulars distinguishing the following classes of commercial agents from each other: (1) Auctioneers from Brokers. (2) Ordinary Brokers from Stock Brokers. (3) Ships' Husbands from Masters of Ships.

Explain the principle, "No man can be allowed to have an interest against his duty" as applied to agency.

3. What are the chief obligations of the principal towards his agent? What is a factor? What special powers does he possess relatively to his principal and third parties?

4. What is the effect of the agent entering into a contract in his own name as to his principal and as to third parties? Explain fully.

5. Define "Partnership." State the different kinds of commercial partnership, defining each.

6. What is the position of partners towards each other, as to the partnership property? as to dealing with third parties? What declaration is necessary under our law upon the formation of a partnership? And what is the effect of failing to comply with the law in this behalf?

INTERNATIONAL LAW AND INSURANCE.

SECOND AND THIRD YEARS.

THURSDAY, 8TH MARCH, 1883:—4 TO 6 P. M.

Examiner,.....W. W. H. KERR, Q.C., D.C.L.

1. A neutral vessel is hired by a belligerent as a transport, and is then despatched as part of a fleet, carrying troops, to make a descent upon the coast of the enemy, and is captured by one of the latter's cruisers. Is the vessel good prize? Give reasons.

2. D, domiciled in Scotland, marries, in London, B, an Englishwoman domiciled in England. D abandons his wife, goes to the United States, and there obtains a divorce. B marries again in England, immediately on hearing of the divorce. Is B guilty of bigamy?

3. A ship is insured for a voyage from Quebec to Liverpool, but clears for London. The master, however, in lieu of holding the vessel's course for London, sails direct for Liverpool, and the vessel arrives there in a damaged condition caused by perils of the sea. Is the insurer liable? Give reasons.

4. During the war between the United and Confederate States a vessel sailed from Liverpool, bound for Matamoras, in Mexico, a neutral port, loaded with arms and munitions of war. When within 2 miles and a half of the Coast of France she was overhauled by an American cruiser, taken possession of, and carried into an American port, where vessel and cargo were libelled as prize of war. Were the same good prize, and who would be the proper parties, if any, to claim the delivery to them of said ship and cargo? Give reasons.

5. D, a German, emigrates to the United States, acquires a domicile in the State of New York, and becomes naturalized; he then abandons his domicile there, sails for England, with the intention of acquiring a domicile in

Scotland, but dies intestate on his arrival at Liverpool, leaving moveables in the State of New York. By what law is the succession to those moveables regulated? Give reasons.

6. A applied to an agent of an Insurance Company to effect a policy of insurance on his property to the extent of $2000. This application was refused by the agent. A then applied to another agent of the same Company, and the risk was accepted and policy issued without his revealing to such second agent the previous application and refusal. The premises were burned during the continuance of such policy. Is the Insurance Company liable? Give reasons.

SECOND AND THIRD YEARS.

ROMAN LAW.

MARCH 9TH, 1883:—4 TO 6 P. M.

Examiner,.....N. W. TRENHOLME, M.A., B.C.L.

1. Point out some of the successive steps in the development of the Roman law of contract.

2. How is *obligatio* defined in the Institutes, and what is the value, if any, of the division of obligations given therein? What other division is there?

3. Give some account of the growth of the law of *pignus* in Roman Law, and of the actions connected therewith?

4. Indicate the principal differences in the obligations of the vendor and remedies of the purchaser as regards warranty in Roman Law, in old French Law and under our Code.

5. What are the *actio redhibitoria*, *actio quanti minoris*, when may they be exercised, and to what branch of Roman Law are we indebted for our law on this subject?

6. What is the *condictio indebiti*, when did it lie in Roman Law, when does it lie in our law, and what are the obligations of the debtor thereunder by our Code?

7. What are the different kinds of *depositum*, and point out differences in the obligations of the parties in each?

8. Give an historic account of the different kinds of sureties in Roman Law, and of their obligations and rights.

9. Define, *manus*, *confarreatio*, *usucapio*, *dominium*, *Jus Latinum*, *Jus Italicum*, *Bonorum possesio*, *comitia curiata*, *centuriata* and *tributa*, *principum placita*.

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CRIMINAL PROCEDURE AND CONSTITUTIONAL LAW.

SECOND AND THIRD YEARS.

MONDAY, 12TH MARCH, 1883.

Examiner,..... PROF. ARCHIBALD.

1. What are the principal parts of an indictment?

2. Charles Henry, on March 1st, stole ten yards of broadcloth from a firm doing business under the name of Francis Smith & Co., composed of Francis Smith and John Jones, at Montreal: Draw an indictment against him: Insert also a count for receiving stolen goods (that is the same goods) against him.

3. What do you understand by the terms jury list, panel of jurors? How is the jury list formed?

4. Give a resumé of the proceedings before justices necessary to arrive at the committal of a prisoner for trial.

5. Describe the process by which the attendance of a sufficent number of jurors at the sessions of the criminal court is secured.

6 .Give your views and arguments as to the constitutionality of the Act, 45 Vic. cap. 22, imposing burdens on certain corporations.

7. The directors of a joint stock bank, knowing it to be in a state of insolvency, issued a balance sheet shewing a profit, and thereupon declared a dividend of six per cent. They also issued advertisements inviting the public to take shares upon the faith of their representations that the bank was in a flourishing condition. Were they guilty of any, and if so what criminal offence?

8. Two persons were joint proprietors and editors of a newspaper, one, however, having complete control of the literary and the other of the commercial departments, neither interfering with the other, or knowing what the other did. A libel was published in the literary department during the absence of the commercial editor, and without his knowledge. The literary department of the paper had frequently previously contained libellous matter. Ought the commercial editor to be convicted of the libel?

9. Have our local Legislatures jurisdiction to pass laws restraining the sale of intoxicating liquors on Sundays, or after 11 p.m. on other days? Give reasons for your opinion.

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* Competitors for the Medal answer the whole paper, others will answer only the first six questions.

SECONDE ET TROISIÈME ANNÉES.

LOI CIVILE.

MARDI, 13 MARS, 1883.

Examinateur, ...PROF. LAREAU.

1. Quelles sont les qualités requises par la loi pour que la possession soit utile à la prescription?

2. Qu'entendez-vous par possession précaire, et qu'appelez-vous interversion de titre?

3. Quelles sont les choses que la loi déclare imprescriptibles?

4. Quelles sont les causes qui interrompent la prescription?

5. Quelles sont les causes qui suspendent le cours de la prescription?

6. Dans quels cas peut-on invoquer utilement la prescription de 30 ans, et dans quels cas peut-on invoquer celle de 10 ans?

7. Quelles sont les personnes sujettes à l'emprisonnement en matières civiles?

8. Quelle est la différence entre le privilége et l'hypothèque?

9. Comment et dans quel ordre s'établit le privilége sur les meubles, et sur les immeubles?

SECOND AND THIRD YEARS.

CIVIL PROCEDURE.

WEDNESDAY, MARCH 14TH:—4 TO 6.

SECOND AND THIRD YEARS.

Examiner, ...M. HUTCHINSON, B.C.L.

1. A is sued on a promissory note which he alleges in his plea is forged, upon whom at the institution of the action rests the burden of proof, and how may it be thrown from one party on to the other?

2. What is a demurrer? Give an example.

3. What is the object of an Intervention in a suit? At what stage of the suit can it be fyled, and what is the effect of it when allowed?

4. Can a husband joined in a suit merely to authorize his wife be summoned to answer interrogatories *sur faits et articles?* Can he be examined as a witness; if so, for whom and under what circumstances?

5. How can a corporate body which is a party to a suit answer interrogatories *sur faits et articles?* Can supplementary questions be put? Give reasons.

6. In what cases may evidence be taken before the trial of the cause? State how such evidence is taken both as regards witnesses in this province and in a foreign country.

7. A suit is pending in Montreal. In how many ways may the evidence of witnesses resident at Quebec be obtained? Describe each mode.

8. A landlord claims from his tenant $500 damages done to a house rented by the latter. The tenant applies for a jury trial. Is he entitled to it? Give reasons.

9. How, and before what Court must judgment be obtained on a verdict of a jury for the plaintiff? How opposed?

SECONDE ET TROISIEME ANNEE.

LOI CIVILE.

15 MARS, 1883.

Examinateur, ...PROF. J. E. ROBIDOUX.

1. Qu'entend-on par fruits naturels et par fruits civils? Comment s'acquièrent les fruits naturels? Comment s'acquièrent les fruits civils?

2. Quand l'usufruitier peut-il se libérer en rendant *l'estimation* mentionnée dans l'article suivant, "Si l'usufruit comprend des choses dont on "peut faire usage sans les consommer, comme l'argent, les grains, les "liqueurs, l'usufruitier a le droit de s'en servir, mais à la charge d'enrendre "une pareille quantité, qualité, ou *leur estimation*, à la fin de l'usufruit."

3. Quelles sont les dispositions du Code Civil relativement à l'usufruit des animaux?

4. En quoi une stipulation faite en vertu des dispositions de l'article 1029 du Code Civil? "On peut pareillement stipuler au profit d'un tiers, lorsque telle est la condition d'un contrat que l'on fait pour soi-même, ou "d'une donation que l'on fait à un autre" ressemble-t-elle à une substitution? En quoi en diffère-t-elle?

5. Par quel acte peut-on créer une substitution? Qui peut se prévaloir du défaut d'enregistrement d'une substitution?

6. Quelle différence y a-t-il entre les droits de l'usufruitier, à l'extinction de l'usufruit et les droits du grevé de substitution, à l'ouverture de la substitution?

7. Un usufruitier protestant est-il tenu de payer les cotisations imposées sur un immeuble sujet à son usufruit, pour l'érection d'une église catholique, le nu propriétaire étant catholique?

8. Quand l'aliénation finale des biens substitués peut-elle avoir lieu validement pendant la substitution?

9. Quelle doit être la nature du titre contenant une prohibition d'aliénés.

N.B.—Les élèves qui ne concourent pas pour la médaille ne répondront qu'aux six premières questions.

Ceux qui concourent pour la médaille répondront à toutes les questions.

COMMERCIAL LAW.

SECOND YEAR;—THIRD YEAR FOR DEGREE OF B.C.L.

FRIDAY, 16TH MARCH.

Examiner,.....PROF. DAVIDSON.

Partnership—Joint Stock Companies.

1. Define "Partnership," and specify what is essential to its existence. State the rules as to determining whether a partnership exists or not relatively to third parties and apart from special agreement evidencing it. Explain fully.

2. Name the different kinds of Commercial Partnerships, and define each, explaining the position of the partners in regard to third parties. Explain fully.

3. Explain the points of difference between Joint Stock Companies and (1) Ordinary Partnerships and (2) Corporations proper. How are Joint Stock Companies formed? Explain the steps necessary.

4. Explain these maxims applicable to Partnerships: "*Tenet totum in "communi et nihil separatim per se,*" and Each partner is "*præpositus negotiis societatis.*"

5. In what way may partnerships be dissolved? What is the effect of dissolution as to the partners themselves? As to their liability towards third parties for the debts due at the time of the dissolution? As to debts incurred after dissolution in the name of the firm?

6. What is the rule as to the application of private property of the members of the firm to the partnership liabilities?

7. May partnerships unlimited as to duration be dissolved at the will of any one of the partners, and if so how? Explain at length.

8. How far can one partner bind the firm by guarantee given in its name for the debt of a third party? Give the test of the validity of such a guarantee.

9. What are the powers of Directors of a Joint Stock Company under the Dominion Act? How are they regarded in their dealing with third parties? To what extent do they bind the Company?

(The first six questions are for ordinary students; those competing for the Medal must answer all the questions.)

THEORY AND PRACTICE OF NOTARIAL DEEDS AND PROCEEDINGS.

TUESDAY, 13TH MARCH, 1883:—4 TO 6 P. M.

Examiner,.....LEWIS A. HART, M.A., B.C.L.

1. Mention and explain the principal divisions of notarial deeds, (1) as to their form, and (2) as to their substance or matter.

2. In what form should the accessory acts necessary to complete the principal deed be made, in those cases where the law requires the deed to be passed before a notary? Mention some instances, and give reasons for your opinion.

3. What are the cases in which a notarial deed must be passed *en brevet*; and state the reasons why, in such cases, the deed cannot be made *en minute?*

4. Can a notary stipulate or accept for an absent party; and, if not, why not?

5. Draft the mentions to be made in the principal deed and on the document annexed, (1) when the latter is executed under private seal, and (2) when it is made *en brevet.*

6. A notary, assisted by witnesses, is receiving the will of a sick person whose death may at any moment occur. The testator declares that he can sign; but when he takes the pen in hand to do so, he states that he cannot sign on account of momentary weakness, and that he will sign presently. What should the notary do in such a case? Draft the closing part of a will made under such circumstances.

7. When a party has falsely declared in a deed that he did not know how to sign, is the deed null? How is it in the case of a will? Give reasons for your opinion.

8. A notary is called upon to receive a will for a stranger, of whose language he is ignorant, and who does not understand English. Two witnesses are at hand to assist in receiving the will, but one of them only knows the English language, while the other witness understands both English and the language of the testator, and acts as interpreter. The notary, assisted by these two witnesses, executes the will in the English language. Is the will valid? What is the jurisprudence of our courts upon the subject?

9. What are the cases in which it is advisable to state whether a deed has been passed in the fore or in the afternoon? What advantage may sometimes result from such mention?

Students not competing for the Medal will answer the first six questions only; those competing will answer the whole paper.

University School Examinations.

ENGLISH GRAMMAR. (PRELIMINARY.)

MONDAY, JUNE 4TH :—MORNING, 9 TO 11.

Examiners ..... { CHAS. E. MOYSE, B A.
REV. A. WILLIAMSON.
REV. PROF. SCARTH, M.A.
REV. C. P. READ, M.A. }

1. Into what classes may nouns and adjectives be divided? Give instances.

2. In what cases are capital letters to be used instead of small?

3. Give a plain rule for the gender of nouns.

4. What do you mean by :—root, derivative, inflexion, prefix, tense, transitive?

5. What is the meaning of a 'direct object' and an 'indirect object' in a sentence?

6. What are 'simple,' 'compound,' and 'complex' sentences? Give examples.

7. Give the past tense and complete participle of :—split, read, shine, think, slide, spring, stride.

8. From what sources are English words derived? Give any marks by which their different origins may be distinguished.

9. What is the difference between a personal and a relative pronoun?

10. Write the plural of pea, penny, this, money, die, memorandum.

11. Analyse :—

"We now take up the second series of sub-orders of insects, in which the different segments of the body shew a strong tendency to remain equal in size, as in the larva state: in other words, there is less concentration towards the head."

Faculty of Law.

1884.

COMMERCIAL LAW.

TUESDAY, 18TH MARCH.

FIRST YEAR.

AGENCY.

Professor, ...L. H. DAVIDSON, M.A., D.C.L

1. How may the relation of principal and agent be created in commercial matters? State how the powers and duties of the agent are to be determined under the several modes of appointment? Name the principal classes of commercial agents.

2. How is the remuneration of the factor determined? What is meant by a *del credere* commission? When does it become due to the agent? What is its effect as to the principal?

3. Explain the difference between a factor and a broker. Is there any difference in the rights of one and other as to remuneration, and if so what?

4. Is there any difference, and if so what, in the liability towards third parties of a home and foreign factor? What is meant by the "lien" of the agent, and when and to what does it attach? How may it be lost?

5. What is the effect as to third parties of the possession by, or the entrusting to, an agent of the goods of his principal? Explain fully.

6. How may the agent's power to bind his principal be terminated?

COMMERCIAL LAW.

TUESDAY, 18TH MARCH.

SECOND AND THIRD YEARS.

BILLS, NOTES AND CHEQUES.

Professor, ...L. H. DAVIDSON, M.A., D.C.L.

1. Give definition, respectively, of a bill of exchange, promissory note, and cheque; and explain what parties to these several instruments stand in similar position as to liability.

2. What is meant by "Consideration" in reference to bills and notes and when may it be enquired into? What is the effect of absence of consideration between the original parties in the case of a subsequent *bona fide* holder for value receiving the bill or note, (1) before maturity, (2) after maturity?

3. What is the effect of acceptance of a bill as to the acceptor? of the indorsement of a promissory note as against the endorser? of the acceptance or certification of a cheque as to the bank accepting? Answer fully.

4. What is the rule as to the "Equities" in reference to bills, notes and cheques, and explain when it applies and its extent?

5. Explain the steps necessary to be taken to hold the parties in case of non-acceptance of a bill, and non-payment of a bill or note?

6. What are "Days of Grace?" and in what cases are they allowed?

7. What is the general rule as to the effect of an alteration in a bill of note after its issue? and in what cases does the rule not apply?

8. What is the effect of non-presentment within a reasonable time of a cheque payable on demand, (1) as to the drawer and endorser, (2) as to the Bank when presented?

9. What is the rule as to the forgery of the signature of the drawer of a cheque, and as to the alteration of any other part of the instrument in regard to the liability of Bank paying the cheque? and explain.

N.B.—Competitors for the Medal will answer all the questions; others only the first six.

FIRST YEAR.

CIVIL PROCEDURE.

FRIDAY, MARCH 14TH :—3 TO 5 P.M.

Examiner,.....M. HUACHINSON, B.C.L.

1. In how many ways may a debtor resident at Halifax be summoned before our courts? Describe each mode.

2. How is service effected upon ship captains who have no domicile in Quebec? How are church *fabriques* served?

3. A suit is to be taken against the Collector of Customs by reason of some act done by him in the exercise of his functions at Montreal. Under what circumstances, if any, could this suit be taken at Sherbrooke? and what notice must be given before taking the suit, and what must it specify?

4. A suit is to be taken for separation from bed and board by a wife against her husband; the husband is domiciled at Quebec and the wife at Montreal. Under what circumstances, if any, could the suit be taken in Montreal?

5. A debt is contracted in New York between two Germans. Under what circumstances, if any, could suit be taken in Montreal for the collection of this debt?

6. B, a minor, is injured by the careless driving of C, who is in the employ of D and driving D's horses. How can B take suit for the recovery of damages? and by whom and against whom ought suit to be brought?

SECOND AND THIRD YEARS.

CIVIL PROCEDURE.

FRIDAY, MARCH 14TH :—3 TO 5 AND 3 TO 6 P.M.

Examiner,.....M. HUTCHINSON, B.C.L.

1. A is arrested under a *capias* at the instance of B; he petitions and succeeds in quashing the capias. Has A a good action of damages against B? Give reasons.

2. A contracts a debt in favor of B in New York. A afterwards secretes his property and effects and comes to Montreal with a portion of his goods. Can he be arrested under a capias by B in Montreal? Can his goods here be seized before judgment?

3. An action accompanied by a capias is taken for the recovery of a debt of $75. The debtor is arrested, but the capias is afterwards quashed. What court has jurisdiction to give judgment for the debt? If there had been no arrest how could judgment be obtained for the debt?

4. A traveller gives his watch to a hotelkeeper for safekeeping over night; it is taken away, and it is necessary to revendicate it. Who can take this action, and what affidavit is necessary to seize it before judgment?

5. A landlord leases a shop to a fruit dealer. The rent is not paid, and the landlord seizes, and among other effects seized are one hundred cases of oranges. If the landlord merely asks for a money condemnation for the amount of his rent what delay must he give the defendant before he can take judgment? and what are his legal rights for the protection of himself against the perishable nature of the goods seized? What would be his legal right if he claimed the goods as his own, and was attempting to revendicate them?

6. What public notice must be given in suits for separation of property? and at what stage? What notice in suits for separation from bed and board? and what are the requisites in order to give jurisdiction to the court in these cases?

7. A is insolvent. B has a judgment against him for $5,000 and has seized A's effects, and is about to sell them. What right has C, another creditor of A's, to share in the proceeds of the sale to be made by B; and how can C enforce his rights?

8. If in the case of the last preceding question C was A's landlord, and had a lien on the effects seized by B, what would be C's rights, and what proceeding should he take to be paid his rent?

9. Under what circumstances may a person imprisoned compel his creditor to pay him an alimentary allowance?

The last three questions to be answered only by candidates for the medal.

PREMIERE ANNEE.

LUNDI, 17 MARS 1884.

Examinateur,.....PROF. J. E. ROBIDOUX.

1. Qui est sujet britannique ?

2. (*a*) Comment se perdent les droits civil ? (*b*) Quels sont les effets de la mort civile ?

3. (*a*) Qu'entend-on par possession provisoire ? (*b*) Quand y a-t-il lieu à la possession provisoire ? Comment s'obtient l'envoi en possession provisoire ?

4. (*a*) Quelles sont les formalités relatives à la célébration du mariage ? (*b*) Quand y a-t-il lieu à la demande en nullité de mariage ?

5. (*a*) Quand y a-t-il lieu à la séparation de corps ? (*b*) Quelles sont les formalités de la demande en séparation de corps ?

6. (*a*) A qui sont confiés les enfants dans le cas de séparation de corps ? (*b*) Comment prend-elle fin ?

FIRST YEAR.

MARCH 17TH, 1884.

Examiner,.....PROF. J. E. ROBIDOUX.

1. What is a British subject ?

2. (*a*) How civil rights are lost ? (*b*) What are the effects of civil death ?

3. (*a*) What is provisional possession ? (*b*) When does it takes place ? How is it obtained ?

4. (*a*) What are the necessary formalities for the celebration of marriage ? (*b*) When may the nullity of marriage be demanded ?

5. (*a*) When separation from bed and board may be demanded ? (*b*) What are the necessary formalities of a demand of separation from bed and board ?

6. (*a*) To whom are the children entrusted, in case of separation of from bed and board ? (*b*) How separation from bed and board may be ended ?

SECOND AND THIRD YEARS.

MARCH 17TH, 1884.

Examiner,..... PROF. J. E. ROBIDOUX.

1. (*a*) Why must the marriage contract be made? (*b*) In what form must it be made? (*c*) When and how can it be modified? (*d*) Who are the parties to a marriage contract? (*e*) *Quid*, if one of the parties refuses his consent to alterations?

2. (*a*) What is a regimen (*regime*)? (*b*) How many are recognized by the Code? (*c*) Define each of those admitted by the Code?

3. (*a*) What is legal community? (*b*) In what does it differ from partnership? (*c*) What are the principal modifications which can be made to the legal community? (*d*) State in what consists each of those modifications?

4. (*a*) What are the debts due by a succession which fall or do not fall on the community, as regards the creditors? (*b*) What are the debts due by a succession which fall on community, as regards the consorts?

5. (*a*) What is compensation (*récompense*)? (*b*) What compensation is due by one of the consorts to the community? (*c*) What compensation is due to the community by the consorts?

6. (*a*) What property form the dividable mass of the community? (*b*) How is it determined? (*c*) What properties must the consorts return? What do they pretake?

7. (*a*) How many kinds of dowers are there? (*b*) On what property is customary dower constituted? (*c*) What is the customary dower resulting of a second marriage?

8. When may the wife be deprived of her dower?

9. What are the dispositions of the 44-45th Victoria (Quebec) as to dower?

10. In what state are things which are subject to dower taken by the dowager?

11. What rights has the wife on the additions made to the thing subject to her dower?

N.B.—Those not competing for the medal need not answer the three last questions.

ROMAN LAW.

SECOND AND THIRD YEARS.

TUESDAY, MARCH 11TH, 1884 :—3 TO 5 ; 3 TO 6 FOR MEDAL.

Examiner,.....N. W. TRENHOLME, M.A.

1. Point out briefly the nature and importance of the division of *res*, into *res mancii* and *res nec mancipi ?*

2. What things are moveable and what immoveable, in our laws and point out the importance of this division ?

3. What are the rights of a possessor (*a*) in good faith ; (*b*) in bad faith, as regards (1) fruits gathered by him (2) as regards improvements made on the property ?

4. Give a brief sketch of the growth and development of the law of wills ; and mention their different kinds in Roman Law and in our law.

5. What was the order of abintestate succession : (1) by the law of the XII Tables, (2) as modified by the Proctorian Edict, (3) as established by Justinian ?

6. Where there are heirs and legatees or different kinds of legatees, who pay the debts of the estate in our law, and what remedies do creditors and legatees of the estate possess to secure payment out of the assets of the estate ?

7. Trace briefly the growth of contract in Roman law.

8. Give a short account of *fideicommissa* and *codicilli*.

9. Give some account, with dates, of the five principal jurists whose writings are found in the Digest.

The last three questions will be answered by medal students only.

FIRST YEAR.

CRIMINAL LAW.

WEDNESDAY, 12TH MARCH.

Examiner,.....PROF. ARCHIBALD.

1. Define Criminal Law. Discuss from a philosophical or theoretical standpoint the province of criminal law as distinguished from other laws.

2. By what laws are we governed in criminal matters in the Province of Quebec; give a short statement of the history of our criminal law.

3. Define *Common Law* and *Statutory Law*; explain the relative positions which these two branches of law hold to each other.

4. When a statute declares that any person who does a certain act shall be guilty of felony, what exceptions, having relation to the person who commits the act, if any, does the common law supply, modifying the general language of the statute.

5. Explain the doctrine of principals and accessories, giving illustrations.

6. Define *Libel*: Give a short sketch of any important changes which have been made in the law relating to it.

7. Define *Conspiracy*, *Riot*, *Murder*, *Manslaughter*, *Counterfeiting*: Discuss the technical meaning of the word *malice* as used in Criminal Law.

SECOND AND THIRD YEARS.

CRIMINAL PROCEDURE AND ELECTION LAW.

WEDNESDAY, 12TH MARCH.

Examiner,.....PROF. ARCHIBALD.

1. How many peremptory challenges has the Crown and the Prisoner respectively, in the different classes of offences?

2. How are challenges for cause tried?

3. When a confession of a prisoner is tendered in evidence, what objections may be made to its reception? Distinguish between judicial and extra judicial confessions, with regard to the conditions necessary to make them admissible in evidence.

4. What are dying declarations, and when are they admissible in evidence ?

5. What remedies may be taken by a prisoner after conviction, and when is each applicable ?

6. Mention and discuss some of the principal reforms introduced by the Dominion Elections Act, 1874.

7. What are the duties of the Returning Officer with regard to the holding of an election ?

8. What are the principal causes of nullity of an election, established under said act?

9. Explain fully the provisions of said Act with regard to voting by ballot, and mention any amendments which have been made ?

10. Of how many members is the Dominion Parliament composed, and how many represent each province? What provision, if any, exists for the re-adjustment of the representation of the several provinces?

11. Give your views as to the constitutionality of the *Dominion License Act?*

* The whole class will answer the first 8 questions: competitors for the medal will answer the whole paper.

INTERNATIONAL LAW AND INSURANCE.

MONDAY, 10TH MARCH :—4 TO 6 P.M.

Professor, ...W. W. H. KERR, Q.C., D.C.L.

1. By written contract in the month of May, A sells to B 50 tons of pressed hay, deliverable at a certain wharf in the port of Montreal on or before the 30th June, the price being $40 per ton. On the 30th June, at 8 p.m., A brings 49½ tons of hay in barges to the wharf named, there finds B and tenders them to him ; B refuses to accept, the price of hay on the 30th June had fallen to $19 per ton.

Can A recover damages from B, and if so what amount ?

2. A, by written contract, purchases from B 10,000 bushels of wheat by sample at $1.10 per bushel, deliverable within three weeks of date of contract ; within that period he tenders to B 10,000 bushels of wheat in a warehouse in Montreal, wheat at that time had fallen 10 cents per bushel A asks B to give him an order to examine the bulk, and compare it with the sample ; this B refuses to do, thereupon A throws up the contract refuses to take the wheat and pay the price.

What recourse has B against A ?

3. A, a trader, agrees verbally to purchase from B, a trader, 100 tons of iron, at $30 a ton, deliverable in three days. Previous to the expiration of the delay for delivery A writes to B, to the effect that he disaffirm the contract, and will not receive the goods, specifying them and their price and referring to the fact that the delay for delivery had not expired.

Has B any action against A? Give the reasons for your decision?

4. A orders from B, a manufacturer of chains, a chain to be used for the purpose of discharging railway iron, etc., from the holds of vessels, the chain to be capable of bearing a strain of five tons. After the delivery of the chain it was used by A in raising iron from the hold of a vessel, and broke whilst lifting iron weighing two tons; the iron fell upon one of the men engaged in the work and broke one of his legs—no neligence was imputable to him or any of the men engaged.

Is B liable for damages, if they are recovered against A by the man injured?

Give the reasons for your decision?

5. France and Germany being at war with each other, a French man-o war whilst at New York added to her armament and shipped some sailors on board. Proceeding on her cruise she captured a German merchant vessel. which she brought into the Port of Baltimore. The German minister represented these facts to the United States Government, and asked for redress.

What should the United States Government do under the circumstances?

Give the reasons for your opinion.

6. A and B, domiciled Italian subjects, were married at Rome, they then removed to the State of Massachuset's and there acquired a domicile. The husband before the Courts in that State obtained a divorce and married again.

Is the divorce valid in Italy? Give the reasons for your opinion.

7. A, a German, commits a murder in the street at St. Petersburg, and then takes refuge in the hotel of the German Ambassador there. The Russian authorities enter the hotel, and take therefrom the culprit by force against the resistance of the Ambassador.

Was the Ambassador justified in endeavoring to prevent the arrest of the culprit? Give the reason for your opinion.

8. A memorandum in writing was drawn up of a sale of hops, containing all the conditions of sale, save the price (which had been settled upon.)

The plaintiff, in an action brought to compel the defendant to accept the goods and pay for them, sought to establish the price by verbal evidence, —to this the defendant objected.

Should such evidence be admitted. Give the reasons for your opinion.

9. A sells verbally to B 1,000 bushels of potatoes. B pays A on account of the price, $50.00. A refuses to deliver the potatoes to B.

Can A prove the contract and the payment of the $50.00 on account of he price by verbal evidence? Give the reasons for your decision.

The first six questions for ordinary students, the whole paper to be answered by those competing for the medal and the professor's prize.

University School Examinations,

1884.

PRELIMINARY SUBJECTS.

GEOGRAPHY.

MONDAY, JUNE 2ND:—MORNING, 9 TO 11.

Examiners,..... J. CLARK MURRAY, LL.D.
REV. PROF. SCARTH, M.A.
CHAS. E. MOYSE, B.A.
REV. P. C. READ, M.A.

(*Number your answers carefully.*)

1. What imaginary lines bound the Torrid Zone? Explain the meaning of tropics, antipodes.

2. What causes day and night? What is meant by equinox? How many equinoxes are there? When do they occur?

3 The following questions refer only to Asia, Africa, Europe: (*a*) Which is the largest? (*b*) Which has the most, and which the least, coast-line in proportion to area? (*c*) Which contains the highest mountain? (*d*) In what range? (*e*) Which contains the longest river? (*f*) Its name? (*g*) Which extends farthest North? (*h*) The name of its extreme northerly point? (*i*) Which exhibits the greatest difference in climate? (*j*) Which is the most populous? (*k*) Which contains the largest empire? (*l*) The name of that Empire?

4. Name the great mountain ranges of Europe, and say where each is situated.

5. Define the limits of the three great natural sections of the United States:—viz., the Atlantic Slope, the Mississippi Valley, the Pacific Slope. (*b*) Name the principal rivers on the Atlantic Slope.

6. What are the leading features of the physical geography of Canada? Name the divisions of Canada.

7. Trace the course of the St. Lawrence. Name its chief tributaries, and the principal towns on its banks.

8. Give the position of Soudan. Where are Kartoom and Suakim?

SESSIONAL EXAMINATIONS, 1886.

SECOND AND THIRD YEARS.

INTERNATIONAL LAW AND SALES.

Examiner,.....PROFESSOR W. H. KERR, Q.C., D.C.L.

1. A sold verbally to B, 1,000 bushels of wheat at $1 per bushel, deliverable in three days, as per sample, which sample, consisting of a half bushel of the wheat taken from the 1,000 bushels sold, was delivered over to B at the time of the sale. B afterwards, on the 999½ bushels being tendered to him at the time agreed upon, refused to take them, wheat in the meantime having fallen to 90 cts. per bushel.

Can A maintain an action *v.* B ? Give the reasons for your decision.

2. A sold to B 100 tons pig iron, to arrive per SS. *Circassian* on or about the 15th May, 1881. The *Circassian* arrived on the 14th May, 1881, without having on board any iron for A, but having on board 100 tons pig iron, the property of and consigned to C. B demanded delivery of the iron from A, which was refused.

Has B any action *v.* A for non-delivery ? Give the reasons for your decision.

3. A, a merchant at Quebec, purchased from B, at Montreal, five hundred quarters of wheat. A sent a barge, his property, to Montreal to receive the wheat. B shipped it on the barge, taking a bill of lading from the barge master, deliverable to his, B's, order,—B drawing bills on A at the same time for the price, which he attached to the bill of lading. On the way from Montreal to Quebec the barge foundered, and the wheat was a total loss.

B sued A for the price of the wheat. Had A any defence ? What judgment should have been given in the case ? Give your reasons.

4. A, of Montreal, by letter requested B, a merchant in London, to sell him fifty pipes of wine and to dispatch them to him at Montreal. B selected fifty pipes of wine from his stock, and delivered them to a common carrier, to be by him taken and shipped from the docks by steamer to Montreal. Immediately after delivery to such common carrier all the pipes of wine were destroyed by accident (*cas fortuit*).

B sued A for the price of the fifty pipes of wine by action before the Superior Court at Montreal. A pleaded that the wine was never delivered to him. What should be the judgment in the case ? Give your reasons.

5. In March, 1866, a schooner belonging to citizens of the United States, and there registered, entered a bayon the Canadian coast, five miles wide between its headlands, but with a breadth of fifteen miles, seven miles from its entrance, and twenty miles deep. At a distance of four miles from the shore at the widest part of the bay the persons on board the said schooner commenced to fish. A British cruiser seized the schooner immediately.

Was such seizure justified? Give your reasons.

6. A, a Frenchman of twenty-two years of age, married, according to Quebec law, at Montreal, B, a British subject, without having obtained the consent of his *ascendants*, required by the law of France. A afterwards returned to France and within the time allowed by the French law instituted there proceedings to have his marriage declared null, on the ground of want of consent by his *ascendants*. Had the marriage been celebrated in France the ground alleged would have been sufficient. Does the fact of the marriage having taken place in Quebec work any difference?

7. A sold to B 500 bushels of wheat, to be taken out of 1,000 bushels belonging to him stored in a warehouse in Montreal, and gave a delivery order addressed to the warehouseman, requiring him to make delivery of the said 500 pushels to B, or to his order. This order was duly presented to the warehouseman, who accepted it in writing. B afterwards sold to C the said 500 bushels, and upon the delivery order so given and accepted endorsed the words "deliver the within 500 bushels of wheat to C"—and delivered the same to C. B having become insolvent, and the price of the wheat so sold him never having been paid to A, the latter countermanded the delivery order, but the warehouseman delivered 500 bushels of the wheat to C, and A thereupon brought his action against the warehouseman to recover the value of the wheat so delivered.

What should the judgment be in such a case? Give your reasons.

8. Germany and France being at war a French frigate chased a German corvette, which succeeded in getting within two miles of the English coast, and was then captured by the French man-of-war. Both vessels, being much damaged, sought refuge in the port of Plymouth.

The German Ambassador at the Court of St. James demanded redress from the British Government. What was the duty of that Government?

9. A sold and B bought, through a broker, 1,000 bushels of barley, whereof a sample was exhibited to B before he bought, at eighty cents per bushel; but the broker's notes were silent as to the sale being by sample or that a sample had been exhibited. B refused to accept the bulk, on the ground that it was not equal to the sample exhibited. Barley having fallen between the date of the contract and that fixed for the delivery to 70 cents per bushel, A sued in damages for non-acceptance. What judgment should be rendered in the case? Give your reasons.

The first six questions for Ordinary Students. The whole paper for Medal and Professor's Prize.

FIRST YEAR.

ROMAN LAW.

Examiner,.....PROF. N. W. TRENHOLME, M.A.

1. Give the principal sources of our knowledge of the history of Roman Law and the divisions of that history.

2. Describe the different Epochs in the growth of law mentioned by Maine.

3. What are the principal sources of the Roman Law ?

4. What were *Leges Agrariæ* of the Roman Law ?

5. What events in the latter half of the Republic affected the extension and culture of the Roman Law ?

6. Give an account of the compilations of Justinian and of the destiny of the Roman Law after his time.

SECOND AND THIRD YEARS.

ROMAN LAW.

Examiner,.....PROF. N. W. TRENHOLME, M.A.

1. What was the *Hæreditas*, and how was it deferred in Roman Law, and how in our Law ?

2. What were the principal forms of wills in Roman Law ; what in our Law ?

3. What is the *jus separationis*, and when and by whom may it be exercised in our law ?

4. What is *partage*, and how is it effected with us ?

5. What was the *substitutio* and *fidei commissa* of the Roman Law, and what have we corresponding thereto ?

6. Give some of the principal divisions of property in Roman Law and in our Law—and their importance.

The following are only for medal men :

7. Indicate how the debts of a succession are to be paid where there are different heirs and legatees,

8. Give a sketch of the growth of the Law of Contract.

9. Define *Usucapio, Res Mancipi, Jus Latinum, Jus Italicum, Jus Honorarium, Principum, Placita.*

FIRST YEAR.

CRIMINAL LAW.

Examiner,.....PROFESSOR ARCHIBALD, M.A., B.C.L.

1. By what law are we governed in Criminal matters in Lower Canada? When and by what statute was English Criminal Law introduced?

2. What is a principal in the first degree; a principal in the second degree; an accessory before the fact; an accessory after the fact? Illustrate by examples.

3. In what cases can a married woman escape responsibility for her acts?

4. Define murder, manslaughter, riot, conspiracy, larceny, embezzlement, burglary, arson. May a man be guilty of larceny in carrying away his own property, and if so when?

5. Give a sketch of the history of the law of Criminal libel; what pleas may be set up against an indictment for this offence?

6. On an indictment for larceny, it appeared that the prosecutor had been inveigled by sharpers to bet with them, and had been suffered by them to win in the first instance, but was afterwards stripped of a large sum of money by losing a bet, which money was paid over to them by the prosecutor without demur, he thinking it had been fairly won, and the whole transaction was found by the jury to have been a preconcerted scheme to get the prosecutor's money; should the prisoners have been convicted?

What principle is involved, and state the test for deciding the question.

SECOND AND THIRD YEARS.

CRIMINAL AND CONSTITUTIONAL LAW.

Examiner,.....PROFESSOR ARCHIBALD, M.A., B.C.L.

1. What are the principal provisions of the Statute of Treasons, 25 Ed. III.

2. In an indictment for seditious riot could the inscriptions on banners, carried by the rioters, be proved without production of the banners? What principle is involved, and give the reasons for your opinion.

3. Under what circumstances are dying declarations admissible as evidence?

4. What is the constitution of the court for the trial of criminal causes in the North-West Territories?

5. How is the Senate of Canada constituted? How may its members be increased or diminished.

6. The Legislature of Quebec passed an act, authorizing the City of Montreal to make an ordinance for the prevention of smoke nuisances and the imposition of penalties. A, being prosecuted before the Recorder for a violation of such ordinance, takes a writ of prohibition, alleging the unconstitutionality of the ordinance. What should be the judgment on such writ? Give the principal arguments *pro.* and *con.*

7. (See No. 1.)

Give a historical sketch of the law of criminal libel: Draft a plea of justification.

8. In what cases, if any, does concurrent jurisdiction exist, in both the legislatures and parliament under the B. N. A. Act. Is there any case which seems to indicate a concurrent jurisdiction under certain conditions in matters of Insolvency?

9. What are the principal points for argument *pro.* and *con.* as to the constitutionality of the Dominion License Act.

The first six questions constitute the ordinary pass examination, the whole paper for medal examination.

FIRST YEAR.

LEGAL HISTORY.

Examinateur,.....PROFESSEUR LAREAU, B.C.L.

1. Indiquez les principales sources du droit coutumier.

Enumerate the principal sources of the customery law.

2. Quelles sont les principales ordonnances du XVIe siècle, et quels objets avaient-elles principalement en vue?

What are the principal ordinances of the XVIe century, and what are their principal objects.

3. L'enregistrement des ordonnances au Conseil Supérieur de Québec était-il nécessaire? Quelles sont les raisons pour ou contre la nécessité de l'enregistrement?

Was it necessary to register the ordinances before the Superior Consel of Quebec? What are the reasons *pro* and *con.*?

4. Quel est l'objet de l'ordonnance de 1667?

What is the object of the ordinance of 1667?

5. Quelles sont les principales clauses de l'acte constitutionel de 1791 ?

What are the principal clauses of the constitutional act of 1791 ?

6. Quelles sont les principales clauses de l'acte constitutionel de 1840 ?

What are the principal clauses of the constitutional act of 1840 ?

SECOND AND THIRD YEARS.

CIVIL LAW.

Examinateur,..... .....PROFESSEUR LAREAU, B.C.L.

1. Quel est l'effet du cautionnement entre le créancier et la caution ?

What is the effect of suretyship between the creditor and the surety ?

2. Quel est l'effet du cautionnement entre le débiteur et la caution ?

What is the effect of suretyship between the debtor and the surety ?

3. Quel est l'effet du cautionnement entre les cautions ?

What is the effect of sureyship between co-sureties ?

4. Définisez le contrat de transaction ?

Define trausaction ?

5. Le tuteur peut-il faire une transaction, si oui, sous quelle circonstance ? Quid quant aux femmes mariées.

Can tutors enter into the contract of transaction ; and if so, on what formalities. Quid as to maried women.

6. Peut-on louer un droit d'usage et d'habitation.

Can a right of use and habitation be the object of a contract of lease.

7. Qu'entendez-vous par *troubles de droit* et *troubles de fait*, et quelle différence il y a-t-il entre le trouble et l'éviction. Quelle est la conséquence de ces troubles relativement au locataire.

Define *troubles de droit* and *troubles de faits* and give the difference between the trouble and the eviction. What is the consequences of these troubles *quo ad* the tenant?

8. Le locataire conserve-t-il son privilège sur les meubles du locataire lorsque le bail est verbal ?

Has the lessor a privilege on the tenant furniture in case of a verbal lease.

9. Quels recours peut exercer le locataire lorsque le locateur ne lui délivre pas la propriété louée.

What recourse the lessee may exercise against the lessor if there is no delivery of the premisses ?

N. B. The first six questions for ordinary ; the whole nine for candidates for the medal.

Les élèves qui concourent pour la médaille répondront à toutes les questions. Ceux qui ne concourent pas répondront aux six premières questions seulement.

FIRST YEAR.

CIVIL PROCEDURE.

Examiner,.....PROF. M. HUTCHINSON, B.C.L.

1. Under what circumstances can the Lieutenant-Governor render a particular day non-juridical ?

2. How can a minor sue or be sued ? How can a married woman ?

3. What difference is there, if any, between a brother and sister, both of full age, as to the mode of exercising their civil rights before the Courts ? What difference would there be after both are married ? and what difference after the dissolution of the marriage by the death of the consort of each ?

4. In taking a suit against a public officer for some act done by him in the exercise of his functions, what formalities must be observed, and where must the action be brought ? and how would it be if the action against the public officer was to recover a debt due by him personally, independent of his office ?

5. An affidavit of a party in New York is required to be used in a suit pending before the Superior Court at Montreal. Before whom must this affidavit be sworn in New York in order to be recognized by the Court here ?

6. Under what circumstances can a suit be brought *in forma pauperis ?* How about the defence ? and what is the effect of pleading *in forma pauperis ?*

7. A makes a promissory note in Montreal, and delivered it to B in Toronto, who endorses and delivers it in Toronto to C. Can C take an action against B alone in Montreal on this note ? Give reasons.

8. A, B and C all reside at Sherbrooke and sign an obligation there in favor of D. Under what circumstances can D bring an action, on this obligation against A, B and C, in Montreal ?

9. How would you describe in a writ of summons five persons doing business together in partnership in Montreal under the name and firm of "The Montreal Cotton Co.", and how would the description be if these same persons became incorporated and did business under the same name as a corporate body?

SECOND AND THIRD YEARS.

CIVIL PROCEDURE.

Examiner,.....PROF. M. HUTCHINSON, B.C.L.

1. Under what circumstances can a debtor make a voluntary assignment of his property for the benefit of his creditors? And when must a demand be made, and by whom? And where must the assignment of judicial abandonment be made, and how is it effected?

2. Who appoints the Provisional Guardian; what are his duties, and what are his powers as to the disposal of perishable goods; and how long does he continue to act?

3. Who appoints the Curator, and how is he appointed? How can he prevent moveables comprised in the judicial abandonment which are seized under a writ of execution from being sold? What could he do if the immoveables belonging to the estate were about to be sold under an execution issued at the instance of a creditor? How would the creditor rank on the estate as to his costs of judgment and seizure?

4. If a debt was due the Insolvent's Estate by a third party, how and in whose name must the suit be taken for the recovery of the debt? How would you proceed to recover a debt due by the Curator in his administration of the Estate? How is the sale of immoveables belonging to the Estate effected? Who issues the warrant, and to whom is it addressed?

5. Under what circumstances may a writ of *capias* issue against a debtor who refuses to make an assignment of his property for the benefit of his creditors? And under what circumstances can a Commissioner's Warrant be obtained in Montreal, where there is a ground for the issue of a *capias?*

6. Under what circumstances is a creditor entitled to a writ of seizure before judgment against the moveable effects of his debtor? When may a writ of seizure issue without an affidavit, and why?

7. Can a landlord seize before judgment by garnishment goods belonging to his tenant in the possession of a third party? What recourse has a landlord against the goods of his tenant, which garnished the landlord's premises, and which are in the possession of a third party?

8. A traveller gives a trunk into the care of a hotelkeeper for safe keeping: while in the latter's charge it is taken by a third party—who has the right to revendicate the trunk, and what is the nature of the affidavit required?

9. In a suit for separation as to property what notices are required? as to separation from bed and board, what notices? Where must the action be brought? What authority must the wife have? If the husband takes the suit, does the wife require to be specially authorized to appear and plead?

FIRST YEAR.

CIVIL LAW.

Examiner,.....PROFESSOR ROBIDOUX, B.C.L.

1. What is understood by the term "civil rights?" What persons do not enjoy them?

2. How many degrees *périodes* of absence does the law recognize? State what is peculiar to each.

3. How is domicile established as regards marriage? What is understood by publication of bans? When and where must it be made?

4. What is separation from bed and board? What effects of marriage subsist after separation from bed and board? For what causes can it be demanded? What are the effects of separation as regards property?

5. How are tutors appointed? What is the procedure to be followed under the different methods to which recourse may be had for the nomination of a tutor?

6. How are corporations formed? How are they dissolved?

PREMIÈRE ANNÉE.

DROIT CIVIL.

Examinateur.....PROFESSEUR ROBIDOUX, B.C.L.

1. Qu'entend-on par droits civils? Quelles sont les personnes qui n'en touissent pas?

2. Combien de périodes la loi distingue-t-elle dans l'absence? Dites ce qui est particulier à chacune d'elles.

3. Comment s'établit le domicile quant au mariage? Qu'entend-on par publication de bans? Quand et où doit-elle se faire?

4. Qu'est-ce que la séparation de corps et de biens? Quels effets du ma-

riage laisse-t-elle subsister ? Pour quelle cause peut-elle être demandée ? Quels sont les effets de la séparation quant aux bieus ?

5. Devant qui peut être convoqué un conseil de famille dans le but de faire nommer un tuteur ? Dites la procédure à suivre, selon la personne devant qui le conseil est convoqué ?

6. Comment sont créées les corporations ? Comment sont-elles dissoutes ?

SECOND AND THIRD YEARS.

CIVIL LAW.

Examiner,..... .....PROFESSOR RORIDOUX, B.C.L.

1. Of what do the assets of the community consists ? What things compose the assets (*propres*) of the consorts ? Of what do the liabilities of the community consist ? Of what do the liabilities (*propres*) of the consorts consist ?

2. What are the powers of the husband over the *propres* of his wife ?

3. What are the rights of the wife who has renounced the community ? What are her obligations ?

4. By what agreements may the consorts modify the community ? Define these agreements.

5. What must the consorts return into the community after its dissolution ? What can each consort pretake ? On what property are the pretakings of each consort effected ?

6. If the heirs of the wife are divided, some having accepted, and some renounced the community, what are the rights of each class of such heirs ?

7. To what extent is the wife who has renounced the community liable for its debts ? How far is the husband liable for debts of the community, contracted by him ?

8. In what does the customary dower of the wife consist ? When may the wife be deprived of her dower ?

DEUXIÈME ET TROISIÈME ANNÉES.

DROIT CIVIL.

Examinateur,.....PROFESSEUR ROBIDOUX, B.C.L.

1. De quoi se compose l'actif de la communauté? De quoi se compose l'actif propre des époux? De quoi se compose le passif de la communauté? De quoi se compose le passif propre des époux?

2. Quels sont les pouvoirs du mari sur les propres de la femme?

3. Quels sont les droits et les obligations de la femme commune en biens qui renonce à la communauté?

4. Quelles sont les différentes modifications que les époux peuvent apporter à la communauté légale? Définissez-les.

5. Lors de la dissolution de la communauté quelles valeurs les époux doivent-ils rapporter? Quelles valeurs sont prélevées par chaque époux? Sur quels biens s'exercent les prélèvements des époux?

6. Quand parmi les héritiers les uns acceptent et les autres renoncent, quels sont les droits des uns et des autres?

7. Jusqu'à quel point la femme est-elle tenue des dettes de la communauté? Comment le mari est-il tenu des dettes de la communauté contractées par lui?

8. En quoi consiste pour la femme le douaire coutumier? Quand la femme peut-elle être déclarée déchue de son douaire?

FIRST YEAR.

MERCANTILE AGENCY AND PARTNERSHIP.

Examiner,.....PROFESSOR L. H. DAVIDSON, M.A., D.C.L.

1. What are the principal classes of Mercantile Agents? Explain briefly the characteristics distinguishing one class from another? Who may legally appoint, and who may be appointed and act as, an Agent?

2. Explain the reasons for the rule that, apart from special authorization granted by the Principal, an agent cannot delegate his functions to another, and state any exceptions to this rule. Show how this rule applies in the case of Partnership.

3. What are the chief duties of the Agent in regard to his Principal, and what the rights of third persons against the latter for acts of the former? Explain fully.

4. What is meant by the "lien" of the Agent, and explain briefly how the right may be acquired, how enforced, and how lost?

5. State the rules for determining whether a Partnership exists or not between two or more persons acting together, in the absence of specific agreement or in case of one, indefinite in terms?

6. What are the chief classes of Commercial Partnerships? Define each. What are the rights and liabilities of partners amongst themselves? Explain fully.

SECOND AND THIRD YEARS.

BILLS, NOTES AND CHEQUES.

Examiner,..... ....PROFESSOR L. H. DAVIDSON, M.A., D.C.L.

1. Explain the difference between a Bill, Note and Cheque, pointing out the points in which they agree, or resemble each other?

2. What is meant by "Consideration" as applied to Bills and Notes? Explain what is a good or sufficient Consideration, and what defences may arise in this connection in case of suit; and by whom such defence may be made.

3. What is meant by "transferring a bill or note," and explain when and how this may be done, effectively under the law merchant? Explain fully.

4. What steps are necessary in order to fix the liability of the drawer, drawee and indorsers respectively upon a Bill? What is the effect of payment of a Bill by the acceptor, and of a note by the maker, or by the indorsers of either?

5. What is a "material alteration" in a Bill or Note? and what is the effect of such alteration when made by (1) the drawer and payee of the bill, or (2) by an indorsee?

6. What is necessary in order to fix the liability of the Bank upon which a Cheque is drawn? What is the effect of marking or certifying a Cheque?

7. What constitutes "forgery" in connection with a Bill, Note or Cheque? And how is a *bonâ fide* holder for value affected by it? Explain as to the case of forged signature of maker and of indorser respectively?

8. Explain the differences, if any, as to presentation, for acceptance and for payment in the case of a Bill and a Cheque?

9. Explain what is meant by an acceptance "Supra protest"? What is the liability of the acceptor "Supra protest," and what does his acceptance admit?

FACULTY OF LAW.

INTERNATIONAL LAW AND SALES.

MONTREAL, 28TH MARCH, 1887.

Examiner,..... .....PROFESSOR N. H. KERR, Q.C., D.C.L.

A sold to B a lot of goods, to be delivered within ten days of the day of sale. A only offered to deliver on the twelfth day after the sale, B refused to accept, the goods having fallen in price, A sued B for damages. Can A recover, if yea, what are his damages? Give your reasons.

A, a broker, sold to B for C 100 tons of iron, sent to B a bought note and to C a sold note of the bargain, the price in the sold note was expressed to be for cash, whilst to the bought note it was expressed as payable by note at three months. B refused to accept the iron, and C sued him for the price after tender.

Can C recover? Give your reasons.

A sold B verbally 100 tons of iron, at a certain price per ton, payable by note at three months, deliverable in ten days. A memorandum in writing was drawn up embodying all the terms of the agreement, save that the payment was to be by note at three months. A tendered the iron and B refused to accept. Iron having fallen in price A sued B to recover the difference between the contract and market price on the day on which it was stipulated it should be delivered.

Is A entitled to judgment? Give your reasons.

A sold to B on credit a quantity of wheat stored in A's name in a warehouse at Montreal, and gave B a delivery order on the warehouseman. B showed the delivery order to the warehouseman, who said it was all right, but made no entry in his books, the wheat standing in A's name; B became insolvent ere his term of credit had expired, and A served a notice upon the warehouseman not to deliver to B or his representative.

The curator to B's estate on the refusal of the warehouseman to deliver took out a *saisie-revendication*; in this suit A intervened, claiming to hold the wheat until he should be paid.

Is A entitled to succeed on his intervention? Give your reasons.

During the last war between Germany and France a British subject, domiciled at Hamburg in Germany, loaded one of his vessels with German manufactured goods and dispatched her to New York. On the voyage he was captured by a French man-of-war, taken into Bordeaux and condemned as good prize.

Was the condemnation according to the principles of International Law? Give your reasons.

A, a merchant in London, dispatched goods in accordance with orders to B, a merchant in Montreal by steamer, sending to B the bill of lading,

therefor, endorsed to the latter's order. B on arrival of the steamer presented his bill of lading, received the goods, and placed them in a Customs bonded warehouse ; ten days after such receipt he became insolvent. A's agent at Montreal caused to be issued a *saisie revendication* and seized the goods.

Is A entitled to recover back the goods, and is the sale dissolved? Give your reasons.

During the war between the United and Confederate States a British vessel, loaded with supplies of all kinds, ran the blockade of Charleston in South Carolina, discharged her cargo, and started light on her return to Liverpool. After touching at Nassau, she was captured by a United States frigate and taken into New York, where she was libelled for condemnation.

Was the capture legal? Give your reasons.

A, a Frenchman domiciled in the Province of Quebec, married at Montreal, without any contract, B, a French Canadian woman, born and domiciled in that Province, who possessed at her marriage real and personal property therein. A returned with his wife to France, and there remained until he died, leaving four children, issue of his marriage. By his will made in Quebec, in holograph form, he bequeathed the usufruct of his property real and personal, all situated in France, to his wife, with the provision therein that after her death it was to revert to his children.

What law should the French Courts be guided by in pronouncing upon the validity of the bequest and of the will? Give your reasons.

A, a merchant in Montreal, bought from B, a merchant in Liverpool, 100 barrels of oil at a certain price per gallon, to be delivered at Montreal. B shipped the oil by steamer to Montreal, taking the bill of lading to his own order. He then drew a bill of exchange for the price, attached to it the bill of lading, and despatched both by mail to his agent in Montreal, with instructions not to deliver the bill of lading without acceptance of the bill of exchange. On the bill of exchange being presented to A he accepted it, and the bill of lading was duly handed to him properly endorsed. The vessel on which the oil was shipped foundered at sea, and the oil was totally lost. B when the bill of exchange became due sued A for the amount.

Has A any defence? Give your reasons.

N.B. The first six questions for ordinary students. The whole paper for medal and Professor's prize.

FIRST YEAR.

CRIMINAL LAW.

FRIDAY, DEC. 17TH, 1886.

Examiner, ... PROF. ARCHIBALD.

1. A delivered a parcel to a carrier to be given to B. C pretending to be B obtained the parcel from the carrier's servant, of what offence was C guilty and give reasons? (1 Leach C. C. 520.)

2. Give the rules by which the common and statute law harmonize with each other.

3. Define conspiracy, libel, larceny, embezzlement, murder, riot and obtaining by false pretences.

4. A kills B, acting under an *irresistible* influence, is he guilty of manslaughter? What is the criterion of responsibility in such cases? (1 F. & F. 666.)

5. Under what circumstances is a medical practitioner responsible for manslaughter when a patient dies under his treatment? (3 C. & P. 629.)

6. Two private watchmen, seeing the prisoner and another person with two carts laden with apples which they had jointly stolen, went up to them intending as soon as they could get assistance to secure them; one of the watchmen walked beside the prisoner, and the other watchman beside the other person, at some distance from the prisoner. The other person wounded the watchman who was near him.

Should the prisoner be convicted of the wounding? If not, give reasons and state any additional circumstances which would render the prisoner guilty. (4 C & P. 565.)

SECOND AND THIRD YEARS.

CRIMINAL PROCEDURE.

THURSDAY, 24TH MARCH, 1887.

Examiner, ... PROFESSOR ARCHIBALD.

1. In what cases may an arrest be made in a district other than that in which the warrant issued?

2. What is the general rule as to the place where an offence should be ried? State exceptions to the rule.

3. Distinguish between the qualifications of a Grand and Petit juryman.

4. What persons are exempt from serving as jurors? What persons are disqualified from serving as jurors.

5. What is the meaning of "*Venue*" in relation to an indictment? Is it necessary to state the venue in the body of the indictment? Give exceptions.

6. What is an indictment? What are its constituent parts?

7. "*A*" in an affidavit for capias, in a suit of *A* vs. *B*, made the following statement:

"The Defendant is personally indebted to me in the sum of $45.00 for goods; the Defendant is now immediately about to abscond from the Province of Canada with intent to defraud; without the benefit of a writ of capias to arrest the Defendant, the Plaintiff will lose his recourse," all of which was false. Draft an indictment for perjury on above facts.

8. Give a short resumé of the law in relation to proof of admissions made by an accused person in criminal matters.

9. In what cases may a deposition of a witness given upon a preliminary examination before a magistrate be read in evidence at the trial?

N.B.—The first six questions are for the pass examinations; the whole paper for the medal.

PREMIÈRE ANNÉE.

HISTOIRE DU DROIT CANADIEN.

Examinateur,.....PROF. LAREAU.

1. Le Conseil Supérieur de Québec. Ses droits et attributions. Sa composition.

The Supreme Council of Quebec. Its rights and attributions. The composition of its members.

2. Quelles sont les principales clauses de l'Acte Constitutionnel de 1791?

What are the principal dispositions of the Constitutional Act of 1791?

3. Quels sont les principaux changements introduits par les codificateurs au titre de la vente?

What are the principal modifications brought by the codifiers in the title of sale?

4. Enumérez les principales dispositions législatives qui furent adoptées de 1840 à 1867?

Give the principal subjects debated before the House from 1840 to 1867.

5. Quels sont les pouvoirs des législatures locales et du Parlement Fédéral d'après l'Acte de la Confédération?

What are the powers of the Provincial Legislatures and of the Federal Government by the Confederation Act?

6. Comment se règle la représentation dans la Chambre des Communes d'après le même acte ?

How is the mode of representation in the House of Commons regulated by the same act ?

DEUXIÈME ET TROISIÈME ANNÉES.

Examinateur,..... PROF. LAREAU.

1. Qu'est-ce qu'un privilège ? Qu'est-ce qu'une hypothèque ? Quelle différence y a-t-il entre les deux ?

What is a privilege ? What is a hypothec ? What is the difference between the two ?

2. Quels sont les droits privilégiés que possède le vendeur non payé sur la chose vendue ?

What are the privileged rights of the unpaid vendor of a thing ?

3. Quelles sont les différentes espèces d'hypothèques légales ? Définissez ?

What are the different kinds of legal hypothec ? Define ?

4. Quelles sont les exceptions que le tiers-détenteur peut opposer à l'action hypothécaire ? Définissez les cas ?

What are the exceptions the holder may set up against the hypothecary action ? Define the different cases ?

5. Qu'est-ce que l'intervertion de titre ? Dans quel cas a-t-elle lieu ?

What is meant by intervertion of title ? In what cases does it take place ?

6. Qu'est-ce que la possession ?

What is possession ?

7. Quelles choses sont imprescriptibles ; et qu'entendez-vous par prescriptions privilégiées ?

What things are imprescriptible, and what is previleged prescriptions ?

8. Quelles sont les causes qui interrompent la prescription ?

By what causes is the prescription interrupted ?

9. Comment s'éteignent les privilèges et les hypothèques ?

How privileges and hypothecs become extinct ?

[Les élèves qui concourent pour la médaille répondront à toutes les questions ; ceux qui ne concourent pas répondront aux six premières questions seulement.

The first six questions for ordinary. The whole nine for candidates for the medal]

FIRST YEAR.

EXAMINATION IN CIVIL LAW.

WEDNESDAY, DECEMBER 22ND, 1886.

Examiner,.....PROFESSOR ROBIDOUX.

1. Who has the status of a British Subject ?

2. What is understood by civil death ? How is it incurred ? What are its effects ?

3. What are the effects of absence with regard to marriage ?

4. For what causes can marriage be annulled ? By whom and when can the grounds of nullity be invoked ?

5. What are the grounds of separation from bed and board ? What are the formalities of the demand ? What are the effects of separation from bed and board ?

6. What are the obligations of the tutor during the administration, and what are his powers ?

SECOND AND THIRD YEARS.

22ND DECEMBER, 1886.

Examiner,.....PROFESSOR ROBIDOUX.

1. What is required to enable one to inherit ? Who is unworthy to inherit ?

2. What is representation ? When does it take place ?

3. What is understood by *retour legal* and by *retour conventionel ?* What is the difference between their respective effects ?

4. What are the formalities of acceptance under benefit of inventory ? and what are the obligations of the beneficiary heir ?

5. What is an action of partition, and who can take it ?

6. What is understood by return, and what are the different ways to effect the same ?

7. What is a donation *inter vivos ?* What is a donation *à cause de mort ?* What is understood by *institution d'héritier ?*

8. What is the effect of want of registration of donations, and by whom can it be invoked ?

9. When may donations be revoked ? What are the grounds of revocation ?

N.B.—Students of the third year who do not concur for honors must not answer the three last questions. Students of the second year will only answer the first six questions.

FIRST YEAR.

COMMERCIAL LAW.

AGENCY AND PARTNERSHIP.

WEDNESDAY, 30TH MARCH.

Examiner,.....PROFESSOR L. H. DAVIDSON, M.A., D.C.L.

1. Give definition of the contract of "Agency," and state what are the essentials in its formation. Name the principal classes of commercial agents, and distinguish between each.

2. Explain the difference between a general and a special agent. Explain the maxium *vicarius non habet vicarium*. What is meant by a *del credere* commission, and how does it arise and when is it payable?

3. What are the chief obligations of the principal towards his agent and of the agent towards his principal? What is the "lien" of the agent and when and to what does it attach?

4. Define "Partnership," and state the rules for determining whether such a relationship exists or not relatively to third parties in the absence of definite agreement evidencing it.

5. Name the different kinds of commercial partnerships, and give the distinguishing characteristics of each and the formalities, if any, necessary to be observed in their formation.

6. In what ways may partnerships be dissolved? What is the effect of dissolution (*a*) as to third parties (*b*) as to the partners themselves? and what are the rights of the latter in regard to the partnership property?

SECOND AND THIRD YEARS.

COMMERCIAL LAW.

JOINT STOCK COMPANIES AND CORPORATIONS.

WEDNESDAY, 30TH MARCH.

Examiner,.....PROFESSOR L. H. DAVIDSON, M.A., D.C.L.

1. How may a Joint Stock Company be formed under the Laws of Canada? State the steps necessary to be taken; explain fully.

2. In what respects does a Joint Stock Company differ from a Corporation *proper*, and from an ordinary partnership? Explain fully. How are the affairs of the Company directed and managed, and what are the chief powers of those entrusted with such management?

3. What is meant by the *capital* stock of the Company? How is it determined? How is it made available? Can it be increased or decreased, and

if so how? What is meant by "Preference" or "Preferential" Stock, and what privileges attach to it?

4. How is the liability of a shareholder in a Joint Stock Company determined? How does it cease?

5. What is meant by the term "dividends," and from what are they derived? How are they determined? When has the shareholder right thereto? What sett-off may there be against them.

6. How is the will of the shareholders in any Company ascertained? Explain fully.

7. What is the position of Directors of a Joint Stock Company, relatively to it and to the public? How do they act in the conduct of the affairs of the Company, and what is necessary to ensure valid action on their *part?* Explain fully.

8. What is meant by *Discretionary*, *Directory* and *Imperative* formalities, as applied to the action of Directors of a Company, and what is the effect of the omission of such formalities? Explain fully.

9. What is necessary in order to a valid transfer of Stock by a shareholder? What responsibilities have directors in regard to transfer of stock?

SESSIONAL EXAMINATIONS, 1887.

FACULTY OF LAW.

FIRST YEAR.

ROMAN LAW.

DECEMBER 15TH:—4 TO 6.

Examiner,..... .....NORMAN W. TRENHOLME, D.C.L.

1. With what subject does the history of Roman Law deal, and how would you divide that history?

2. Give an account of the principal works of the Roman Law that have come down to us.

3. Give some account of the premitive constitution of Rome and of the first great change therein.

4. What were the Licinias Rogations and what were their principa provisions.

5. What were some of the principal events in the history of Rome during the last half of the Republic that affected Roman Law and its destinies.

6. Give a summary of Maine's views on the different agencies that serve to ameliorate the law.

SECOND AND THIRD YEARS.

ROMAN LAW.

DECEMBER 15TH:—4 TO 6 P.M.

Examiner,..... .....NORMAN W. TRENHOLME, D.C.L

1. Give a short account of the law of testimentary succession in Roman Law and in our Law, indicating the different forms of wills and their requirements.

2. Give an outline of Maine's criticism on the doctrine of occupancy as an original means of acquisition, and also of his views as to the benefits that have accrued by the classification of property into a higher and lower grade.

3. How is property divided in our law, and what things are immoveables?

4. Give some account of the different kinds of servitudes.

5. What rights has a person in a public street or navigable river, bordering his property, and cite authorities for your views.

6. Give some account of *substitutio* and *fideicommissa*, and also of corresponding institutions in our law.

7. Give a summary of Maine's views on the history of contract.

8. Give some account of the destiny of Roman Law after Justinian.

9. Give some account of the manner in which the Roman Law became assimilated throughout the Empire.

FIRST YEAR.

CIVIL PROCEDURE.

MONDAY, DECEMBER 19TH:—4 TO 6 P.M.

Examiner,.....M. HUTCHINSON, D.C.L.

1. What difference, if any, between the civil rights of an unmarried man and an unmarried woman, both of full age? What is the difference beetwen the civil rights of a married man and married woman?

2. How are the civil rights of minor children exercised? How can they sue and be sued? How can discharges be granted by minor children o debts due them?

3. What would be the effect if a party brought an action for less than the proof shows that he is entitled to? and how can he remedy the omisf sion? and what would be the effect if he brought an action for more than he is entitled to?

4. Under what circumstances can a debt due B by C be sued for and collected in the name of A?

5. What is the nature of the notice a public officer is entitled to before an action can be brought against him for damages by reason of some act done by him in the exercise of his functions? and where must the suit be taken?

6. How can a person be appointed a commissioner to receive affidavits in Ontario to be used in the Courts of this Province? and how can authority be given to receive affidavits in New Zealand for use here?

7. Under what circumstances can an action be taken *in forma pauperis*- and in what actions does the law refuse such a right?

8. In suits for separation from bed and board, before what Court mus the Defendant be summoned? In actions in warranty to what place must the Defendants be summoned? What is necessary in matters purely personal to give a Court jurisdiction in this district?

9. An action is taken on a promissory note against an endorser, and in the Plaintiff's declaration no mention is made that the note was protested

for non payment, should the Defendant take advantage of this defect by an exception to the form, or by a demurrer (*défense en droit*)? Give reasons.

CIVIL PROCEDURE.

SECOND AND THIRD YEARS.

MONDAY, DECEMBER 19TH.—4 TO 6 P.M.

Examiner, ... M. HUTCHINSON, D.C.L.

1. What is legal tender? and when and how should it be made? And what difference might there be as to the manner in which the tender is made between an amount of $40 and an amount of $400.

2. What is the delay for executing judgments? and what are the different means of execution which the Law allows a judgment creditor? And in what order, if any, must they be exercised?

3. Under what circumstances may a judgment be executed in the name of a deceased Plaintiff? and how can a judgment be executed against a party who changes his civil status, or dies before execution is commenced?

4. What is the nature of the opposition that a landlord should make when the furniture and effects of his tenant are advertised to be sold by judicial sale at the instance of a third party? What rights would the landlord have upon the monies if the sale took place? Could an ordinary creditor make any opposition in such a case? if so, under what circumstances?

5. Under what circumstances may a trader be obliged to abandon his property for the benefit of his creditors? Under what circumstances, a non-trader?

6. When is a debtor who has made an abandonment of his property for the benefit of his creditors, and against whom a writ of capias has been taken and been maintained, entitled to his liberation, it in jail? And under what circumstances may the time for his liberation be prolonged?

7. How is the insolvent estate of a debtor who has made an abandonment of his property for the benefit of his creditors liquidated and wound up, and the proceeds distributed among his creditors? How may perishable goods be disposed of immediately after the abandonment? How is the Real Estate disposed of? And how can an Insolvent Estate of a debtor who has absconded be taken possession and disposed of?

8. A debtor who has been arrested under a writ of capias petitions and succeeds in quashing the writ and obtaining his liberty. Under what circumstances can an action to recover damages be maintained against the party who issued the writ of capias?

9. How many kinds of bail may a debtor arrested under a writ of capias give? What are the conditions of each kind of bail? And at what stage of the case may each be given?

PREMIÈRE ANNÉE.

Examinateur, ...PROF. LAREAU.

1. Quelles sont les sources du Droit Canadien ?

What is the origin of our Canadian Law ?

2. Dites ce que vous savez de la Coutume de Paris ?

Say what you know about the *Coutume de Paris ?*

3. Quelles sont les principales ordonnances du XVIe. siècle, et dites ce qu'elles renferment ?

What are the principal *Ordonnances* of the XVIth century, and their object ?

4. Enumérez les motifs qui vous portent à conclure à la nécessité de l'enregistrement des Ordonnances du Conseil Supérieur de Québec.

Give the motives to establish that registration of the *Ordonnances* before the Supreme Council of Quebec was necessary to put them in force in the colony.

5. D'après quelle bâse se répartit la représentation d'après la constitution de 1867 ?

According to what rules the representation is determined by the constitutional act of 1867 ?

6. En quelle année fut abolie la tenure seigneuriale ?

In what year was passed the act to abolish the seigneurial rights ?

DEUXIÈME ET TROISIÈME ANNÉES.

Examinateur, ...PROF. LAREAU.

1. Quelles sont les règles particulières au louage des maisons ?

What are the rules particular to the lease or hire of houses ?

2. Quelles sont les règles particulières au bail des terres et propriétés rurales ?

What are the rules particular to the lease and hire of farms and rural estates ?

3. Comment se termine le contrat de louage des choses ?

How is terminated the lease or hire of things ?

4. Quelles sont les obligations et responsabilités des voituriers ?

What are the obligations and liabilities of common carriers ?

5. Dites ce que vous connaissez concernant les transactions.

Say what you know about the contract of transaction.

6. Primus vend une créance à Secundus avec garantie de fournir et faire valoir ; ce dernier peut-il exercer un recours directement contre son cédant ou faut-il qu'il discute au préalable le debiteur de sa créance ?

Primus is the vendor of a *créance* to Secundus with the promise to *garantir, fournir et faire valoir*. Has Secundus a direct action against the vendor, or will he be obliged to discuss the property of the debtor, before taking the recourse *en garantie* ?

7. Le cautionnement fourni en vertu de l'article 829 du C. P. C. par un défendeur arrêté sur capias est-il un cautionnement légal ou un cautionnement judiciaire ? La caution fournie est-elle contraignable par corps ?

The bails under art. 829 C.P.C. for a defendant arrested under *capias ad respondendum*, are they legal or judicial suretyships ? are they liable to *contrainte par corps ?*

8. A fait une convention avec B, par laquelle il lui loue un moulin pour 12 ans. B s'engage de faire certaines constructions sur les prémisses louées et de payer un loyer annuellement. Ce contrat tombe-t-il sous le coup de l'Acte de locateurs et locataires ?

A makes a contract with B, by which a mill is let for 12 years, with a stipulation that B shall make certain buildings on the premises and pay an annual lease. Is this contract subject to the provisions of the lessor and lessee's Act ?

9. A s'est engagé d'introduire B dans une maison de commerce responsable pour y vendre ses produits. Plus tard la maison de commerce faillit. A est-il responsable à B des pertes souffertes par ce dernier ? autrement, s'est-il engagé à lui garantir la solvabilité continue de la maison ?

A agrees to give a party B an introduction to a firm of responsibility and standing. Later the firm became insolvent. Has B a recourse against A for loss ? is he a guarantee of continued solvency ?

N.B.—The six first questions for ordinary ; those competing for the medal the whole.

INSURANCE.

17TH MARCH :—4 TO 6 P.M.

Examiner, ... NORMAN W. TRENHOLME, D.C.L.

1. What are the essentials to a contract of insurance in case of marine, fire, and life insurance, and at what points of time must they exist ?

2. When must the insured make an abandonment in order to recover, and what are the principal rules governing abandonment ?

3. What is average contribution and what losses give rise to it, and when ?

4. A, a mortgage creditor, recovers from an insurance company the amount of his insurance under a policy taken out by himself on the property of his debtor. After being so paid he seeks to again recover the amount of his debt from his debtor ; can he do so, and give reasons for your opinion ?

5. C applies to a Life Company for an insurance on his life, and his application is accepted and a policy issues, but is not delivered to him as he is not able to pay the premium. C thereupon transfers the policy to D in consideration of the latter paying the premiums. Before a second premium becomes payable C dies. Can D recover the amount of the policy,—giving your reasons? Would it make any difference if it had been understood between C and D from the outset that it was D's insurance?

6. What was the rule laid down in Godsal *v.* Boldero; and does this appear to be law now in England or with us?

7. When is the insurer liable and when not on a life policy where the insured comes to his death by his own hands?

8. What is the effect on a fire policy of a transfer of interest in the object insured, distinguishing different cases?

COMMERCIAL LAW.

BILLS, NOTES, CHEQUES.

23RD MARCH, 1888.

L. H. DAVIDSON, D.C.L., Q.C., ...PROFESSOR.

1. What are the essential requisites of Bills and Notes? Explain fully, giving definitions of each, and naming and describing the parties thereto. In what respects does a "Cheque" agree with or differ from either.

2. What is meant by a Bill, Note or Cheque being "negotiable," and what is necessary to clothe each with this quality?

3. Explain fully the relative position and obligation of the drawee, acceptor and endorser of a Bill, and the payee, maker and endorser of a Note. What is necessary to render effective the rights of a holder of a bill or of a note, acquired before maturity, against the several parties thereto?

4. How may Bills or Notes be transferred; and what is the effect of a transfer made before and after maturity respectively upon the rights of the holder?

5. What are "Days of Grace," and when are they allowed?

6. What is the effect of the certification of a Cheque by a Banker, relatively to the Bank itself, the holder and the drawer respectively?

7. When a forged cheque presented to a Banker has been paid by him, who is to bear the loss (1) as between the Banker and the depositor, (2) as between the former and the payee. Explain fully.

8. What is the effect of drawing and delivering a Cheque as to the drawer and the holder, and the Bank and the holder?

9. How may the rights and demands of the holder of a Bill or Note after due presentment for payment, etc.) be extinguished and the parties thereto be discharged? Explain fully.

FACULTY OF LAW.

COMMERCIAL SALES AND INTERNATIONAL LAW.

APRIL 20TH :—3 TO 5 P.M.

Examiner, ...N. W. TRENHOLME, D.C.L.

1. When are contracts formed by correspondence perfected?

2. When is the memorandum in writing required by the 17th Section of the Statute of Frauds necessary, and for what purpose ; and indicate any difference between English Law and our Law on this subject.

3. In what cases can the seller give a good title to a thing of which he is not the owner?

4. When does the property pass by the contract of sale alone without delivery, and when not?

5. Explain the different remedies which the unpaid vendor has in our law in case of the failure of the buyer to perform his contract, and in case of his insolvency, and the conditions under which they may be exercised.

6. What is International Law,public and private,and give some account of its sources and authority.

7. What four rules on Maritime Law were agreed to at the Treaty of Paris of 1856, and indicate in what respect these rules were declaratory of, and in what respect they changed the previously existing rules?

8. State the rules laid down by our Code governing the application of: 1. the *lex fori*; 2. lex domicilii; 3. lex loci contractus; 4 lex rei sitæ.

9. A French man, domiciled in England, marrried an English woman there, and after living there for several years came to this province where they made their home, and acquired property, real and personal. On the death of the wife, her heirs claimed community of property. Could they do so, there being no community of property by the law of England.

CIVIL PROCEDURE.

SATURDAY, 6TH APRIL, 1889 :—AFTERNOON, 3 TO 5.

Examiner, ... PROFESSOR MCGOUN.

1. What are the different classes of Preliminary exceptions? Describe briefly the nature of each. Within what delay and with what special formality are they filed?

2. What is the difference between simple warranty and real warranty?

3. When security for costs has been ordered, when does the delay for pleading begin to run, (*a*) for preliminary pleas, (*b*) for pleas to the merits?

4. Define exceptions temporary and perpetual, and distinguish them from other pleas.

5. What is a demurrer? Where several pleas are filed raising issues of fact affirmatively and negatively, and issues of law alone, in what order should they be pleaded?

6. What is the difference between a dilatory exception and a temporary peremptory exception? Which would be pleaded to an action on a note not matured? In what cases could an action on such a note be maintained?

7. Should prescription be pleaded by exception or demurrer? Are there any cases in which the opposite rule prevails?

8. What is the law and what the practice as to the proof of facts denied only by a general denial?

9. When must an affidavit be filed with a plea?

10. How can an outsider be made party to a suit (*a*) if he desires to intervene, (*b*) if any of the parties to the suit require his presence?

11. What are the powers of the attorney of record as to making *desistement* or *retraxit* from a demand, and from a judgment respectively?

12. When can husband or wife be examined as a witness in a suit in which the other consort is a party? Can the examination take place on behalf of the other consort, or only on behalf of the adverse party?

13. On what can any witness refuse to testify? On what, in addition, can a professional witness refuse? and to what professions does this privilege extend?

14. In what cases can trial by jury in civil cases be demanded?

15. What in general are the qualifications of jurors in Civil cases?

16. What are the remedies against an adverse verdict? Before what Court are they sought?

17. What is distraction of costs? Do costs bear interest?

CIVIL PROCEDURE.

Examiner,..... ....PROFESSOR LAREAU.

1. How Privileges upon moveable property are ranked.

Comment s'établissent les privilèges sur les meubles.

2. Hypothec. Define. How many kinds? Define.

Hypothèque. Définissez. Combien d'espèces? Définissez.

3. What are the legal hypothecs? Define.

Quelles sont les hypothèques légales? Définissez.

4. What are the exceptions which may be set up by the holder to the hypothecary action?

Quelles sont les exceptions que le tiers détenteur peut apposer à l'action hypothécaire?

5. For what causes may the prescription be interrupted?

Pour quelles causes la prescription peut-elle être interrompue?

6. What are the causes which suspend the course of prescription?

Quelles sont les causes qui suspendent le cours de la prescription?

7. What actions are prescribed by ten years?

Quelles sont les poursuites qui se prescrivent par dix ans?

8. How does the prescription of moveables take place

Comment s'acquiert la prescription des meubles?

9. Who are the persons liable to be imprisoned in civil cases?

Quelles sont les personnes qui peuvent être emprisonnées civilement?

N.B.—Students competing for the medal will answer the whole; those not competing will answer the six first questions.

Les élèves qui concourent pour la médaille répondront à toutes les questions; ceux qui ne concourent pas répondront aux six premières questions.

CIVIL LAW.

FRIDAY, DEC. 21ST, 1888:—AFTERNOON, 2 TO 4.

Examiner,.....THOMAS FORTIN, Assistant Professor.

1. What is meant by succession? How many kinds are there? When do they respectively take place?

2. What is representation? When does it take place? How is the succession divided in case of representation?

3. To whom does the *ab intestate* succession devolve? In what order?

4. What is benefit of inventory? What are the effects of acceptance under benefit of inventory?

5. When may partition be demanded? How can it be made? Who can demand it?

6. Who is bound to return? What things must be returned? How is return made?

Quid if moveables have perished by fortuitous event before the return?

Quid of immoveables, in the same case?

7. What is *retrait successoral?* What persons may exercise the same?

8. By whom are the debts of a succession paid? In what proportion is each heir bound to contribute to the payment of debts?

9. What is separation of property—*séparation des patrimoines?* Who can demand it? Within what delay must the demand be made?

10. What are the effects of partition? What warranty exists in favor of co-partitioners?

11. What are the effects of partition as to encumbrances imposed upon immoveables during the undivided state of ownership?

12. When may rescision of a partition be demanded? For what causes can it be demanded?

CRIMINAL LAW.

Examiner,.....PROFESSOR ARCHIBALD.

1. From what sources is derived the criminal law in force in this country?

2. What is the nature and degree of mental weakness which will exempt from criminal responsibility; what do you understand by moral insanity, and can it be pleaded as an excuse for criminal action?

3. Define accessories before and after the fact, and enumerate the crimes in which there can be no accessories.

4. Define conspiracy, burglary, arson and larceny.

5. A goes to B, and represents that he is a man of wealth, and lives in a certain place, and asks for an advance of money from B. B knows this to be false, yet, nevertheless, advances the money, intending to punish A. Is A guilty of the offence of obtaining money by false pretences? Give reasons for your opiuion. If not, could he be indicted for any and what offence?

6. Describe the proceedings upon a preliminary investigation for criminal offence before a Magistrate?

7. Describe the method of preparing the rolls of Grand and Petit jurors.

8. Describe the proceedings at a trial for felony, not capital.

9. What are the remedies after verdict, and under what circumstances does each apply

10. A, being indicted for embezzlement, it appeared that he was employed to solicit orders, and paid by commission on the sums received, which sums he was forthwith to hand over to his employers; he was at liberty to apply for orders when he thought most convenient, and was not to employ himself for any other person. He received money for his employer in virtue of his employment and converted it to his own use. Should he be convicted? Give reasons for your opinion. Reg. Negus 42 L.J.M.C. 62.

11. A person delivered two brooches to the prisoner, to sell for him at £200 for one and £115 for the other, and he was to have them for a week for that purpose, but two or three days grace might be allowed. After ten days had elapsed he sold them with other jewellery for £250, but arranged with the vendee that he might redeem the brooches for £110 before September; what offence, if any, was committed? Give reasons for your opinion. 11 Cox C.C., 593.

12. A and B agree together to assault C with their fists, and C is killed by a chance blow of the fists of either of them. Are they both guilty of manslaughter? If so, why? Would it make any difference as to the responsibility of B if A had during the assault, of his own impulse, suddenly caught up a weapon and killed C with it? If so, why? Reg. *vs.* Caton, 12 Cox C.C., 624.

OBLIGATIONS—EVIDENCE—WILLS.

FRIDAY, APRIL 5TH :—3 TO 6 P.M.

Examiner, ...M. HUTCHINSON, D.C.L.

1. What do you understand by the essence, nature and accidents of contracts? Give illustrations of each.

2. A Toronto merchant sends by post an offer of sale of certain goods to a Montreal man, who, immediately on receipt of the letter, accepts and posts for Toronto his letter of acceptance. Two hours after he has posted his letter of acceptance he receives a letter from the Toronto merchant, stating that he withdraws his offer. What is the effect of this withdrawal? Give reasons.

3. A person by marriage contract transfers his property by donation to his future wife, leaving himself without means to pay his creditors. Have the creditors any recourse against this property? If the property had been transferred to one of his creditors in payment of a debt, under what circumstances could the other creditors have this transfer set aside and the property brought back into the estate?

4. What is the leading distinction between obligations arising from contracts and those arising without any agreement between the parties, which are known as quasi-contracts?

5. If two men are engaged by the same company to render the same service, both of whom are exposed to the same risk and danger in connection with their work, and one of them is injured by the carelessness of the other employee, is the company liable? Give reasons.

6. What is an alternative obligation? If one of the things that constitute an alternative obligation perish or become impossible of fulfilment, what obligation remains upon the debtor? If both perish or become impossible of fulfilment, what then? How would it be if the debtor was in fault?

7. In what respects does an indivisible obligation differ from a joint and several obligation?

8. If a creditor of an indivisible obligation has left two heirs, and one of them has given a release to the debtor as far as concerns himself, will the debtor be liberated as against the other heir? Explain fully how such a release would affect the other heir.

9. Under what circumstances may a valid payment be made to a person who is not the actual creditor but who is an ostensible creditor? If the payment be made to a person who produces a forged authority as agent, what would be the effect of such payment? If the payment be made to an agent of the creditor who at the time of the payment is dead, what then?

10. What are the three different ways in which novation may take place? What is the principal difference between our law and the Roman Law with respect to novation?

11. A merchant receives an order by telephone for a bill of goods amounting to $250; the goods are delivered, but payment is afterwards refused, and the merchant is obliged to take suit. How can he make his proof? If it was a house that was so sold how could the seller prove the contract?

12. What persons can make a valid will under our law? Who can be witnesses to a will in the English form? Can a minor's property be disposed of by will?

FACULTY OF LAW.

FIRST YEAR.

ROMAN LAW.

THURSDAY, 18TH DECEMBER:—3.30 TO 6.30 P.M.

Examiner,.....PROFESSOR N. W. TRENHOLME, D.C.L., Q.C.

1. Indicate the principal sources of our knowledge of the history of Roman Law, and particularly of the primitive Roman constitution and laws.

2. Give some account of three important pieces of legislation in the long struggle which ended in the equalization of the orders?

3. Describe the different epochs, mentioned by Sir Henry Maine, in the growth and development of law, and point out in this connection the value and importance of early codes and the agencies in the amelioration of the law when it has once been codified.

4. Give an account of the *Corpus Juris Civilis* and of the works comprised in it, and state what you know of five of the great jurists named in it.

5. What were :—leges ; plebiscita ; senatus-consulta ; principum placita ; jus honorarium ; responsa prudentum ; comitia curiata ; comitia centuriata ; comitia tributa ; justae nuptiae : dos ?

6. Of what does the first Book of the Institutes treat, and describe the different legal institutions treated of, distinguishing the artificial from the natural and permanent ?

7. What is the legal principle involved in the creation of the *tutela* and *curatio*, and point out how the Romans practically worked out the principle in their system, giving the principal provisions devised by them for the protection of the rights and interests of the minor ?

8. Auctoritas autem tutoris in quibusdam causis necessaria pupillis est in quibusdam non est necessaria.

Explain what the auctoritas of the tutor was, and in what cases as a rule it was necessary and in what cases not.

9. Translate the following Extracts, and give explanations asked for under each :—

Omnes populi qui legibus et moribus reguntur, partim suo proprio, partim communi omnium hominum jure utuntur. Nam quod quisque populus

ipse sibi jus constituit, id ipsius civitatis proprium est, vocaturque jus civile, quasi jus proprium ipsius civitatis; quod vero naturalis ratio inter omnes homines constituit, id apud omnes populos peraeque custoditur, vocaturque jus gentium, quasi quo jure omnes gentes utuntur. Et populus itaque Romanus partim suo proprio, partim communi omnium hominum jure utitur. In 1, 2, 1.

What influence had the *jus gentium* on the *jus civile* of the Romans, and state by means of what agency and under the impulse of what philosophic theory, according to Sir Henry Maine, its principles became incorporated into the law?

10. Jus autem potestatis quod in liberos habemus, proprium est civium Romanorum; nullienim alii sunt homines, qui talem in liberos habeant potestatem, qualem nos habemus. In 1, 9, 2.

Point out in what important respects the above statement is true compared with parental authority in our law, and state some of the modifications the *Patriæ Potestas* underwent in later Roman Law both as regards the person and the property of those *in potestas*.

11. Adoptio autem duobus modis fit, aut populi auctoritate, aut imperio magistratus, velut prætoris. Populi auctoritate adoptamus eos qui sui juris sunt: quæ species adoptionis dicitur adrogatio, quia et is qui adoptat, rogatur, id est, interrogatur an velit eum quem adoptaturus sit justum sibi filium esse; et is qui adoptatur, rogatur an id fieri patiatur, et populus rogatur an id fieri jubeat. Imperio magistratus adoptamus eos qui in potestate parentium sunt, sive primum gradum liberorum obtineant, qualis est filius et filia, sive inferiorem, qualis est nepos, neptis, pronepos, proneptis.

Et quidem illa adoptio quæ per populum fit, nusquam nisi Romæ fit at haec etiam in provinctis apud præsides earum fieri solet. 1, G. 98-100.

Explain the term: populi auctoritate; imperio magistratus; præsides; what more special designations were included in the latter term?

What was the effect of *adoptio*, and why was it regarded of more importance in ancient law than it is in modern?

12. Olim itaque tribus modis in manum conveniebant; usu, farreo, coemptione. 1 G. 110.

Explain fully the meaning of these words, and the requirements in each case, usu, farreo, coëmptione: what is the force of *olim* here?

13. Ideo autem aes et libra adhibetur, quia olim æreis tantum nummis utebantur, et erant asses, dupondii, semisses et quadrantes, nec ullus aureus vel argenteus nummus in usu erat, sicut ex lege XII tabularum intelligere possums: eorumque nummorum vis et potestas non in numero erat, sed in pondero nummorum; veluti asses liberales erant; et dipondii

tum erant bilibres, unde etiam dipondius dictus est, quasi duo pondo: quod nomen adhuc in usu retinetur; semisses quoque et quadrantes pro rata scilicet portione libræ æris habebant certum pondus. Item qui dabat olim pecuniam non adnumerabat eam, sed appendebat; unde servi quibus permittitur administratio pecuniæ dispensatores appellati sunt, et adhuc appellantur.

What legal institution does the above refer to; describe it?

SECOND AND THIRD YEARS.

ROMAN LAW.

THURSDAY, 18TH DECEMBER:—3.30 TO 5.30 P.M.

Examiner,.....PROFESSOR N. W. TRENHOLME, D.C.L., Q.C.

1. What were the different kinds of tutorship and of curatorship in the Roman Law, and how did it differ in this respect from our Law?

2. Tutores pupillorum negotia gerunt et auctoritatem interponunt. Tutor personae datur. Explain fully the meaning and import of the above, having reference to the different periods of minority.

3. What was the principal historic division of *res* in Roman Law, and state on what is was founded, and the importance of such divisions in primitive law?

4. Mention the principal civil modes of acquisition, also the principal natural modes, and give an outline of Sir Henry Maine's criticism on the doctrine of acquisition by *occupatio*.

5. What was the *dominium ex jure Quiritium*, and what the *dominium bouitarium*, and give some account of this two-fold division and its subsequent disappearance in Roman Law?

6. Point out the difference between primitive and modern society as regards the units composing society, and show the influence of this on primitive forms of contract, will, and other transactions of life.

7. Define the different personal servitudes in Roman Law, and the rights of the holder of the principal one as regards the different kinds of fruits.

8. Point out clearly when a charge on real property is a real servitude and when it is a mere personal right.

9. What were the principal kinds of *Edicta* enjoyed by the possessor in Roman Law, and state what benefits accrued therefrom in case (1) of the *bona fide* possessor and (2) of the possessor *mola fide?*

10. What was the law of evidence in this Province at the time of the cession, and give the principal subsequent changes made therein?

11. Translate the following Extracts, and give explanations asked for under each :—

Omnes populi qui legibus et moribus reguntur, partim suo proprio, partim communi omnium hominum jure utuntur. Nam quod quisque poplus ipse sibi jus constituit, id ipsius civitatis proprium est, vocaturque jus civile, quasi jus proprium ipsius civitatis; quod vero naturalis ratio inter omnes homines constituit, id apud omnes populos peraeque custoditur, vocaturque jus gentium, quasi quo jure omnes gentes utuntur. Et populus itaque Romanus partim suo proprio, partim communi omnium hominum jure utitur. In 1, 2, 1.

What influence had the *jus gentium* on the *jus civile* of the Romans, and state by means of what agency and under the impulse of what philosophic theory, according to Sir Henry Maine, its principles became incorporated into the law?

12. Jus autem potestatis quod in liberos habemus, proprium est civium Romanorum: nulienim alii sunt homines, qui talem in liberos habeant protestatem, qualem nos habemus. In 1, 9, 2.

Point out in what important respects the above statement is true compared with parental authority in our law, and state some of the modifications the *Patriæ Potestas* underwent in later Roman Law, both as regards the person and the property of those *in potestas*.

13. Adoptio autem duobus modis fit, aut populi auctoritate, aut imperio magistratus, velut prætoris. Populi auctoritate adoptamus eos qui sui juris sunt: quæ species adoptionis dicitur adrogatio, quia et is qui adoptat, rogatur, id est, interrogatur an velit eum quem adoptaturus sit justum sibi filium esse; et is qui adoptatur, rogatur an id fieri patiatur, et populus rogatur an id fieri jubeat. Imperio magistratus adoptamus eos qui in potestate parentium sunt, sive primum gradum liberorum obtineant, qualis est filius et filia, sive inferiorem, qualis est nepos, neptis, pronepos, proneptis.

Et quidem illa adaptio quæ per populum fit, nusquam nisi Romæ fit, at haec etiam in provinctis apud præsides earum fieri solet. 1, G. 98-100.

Explain the term: populi auctoritate; imperio magistratus; præsides; what more special designations were included in the latter term?

What was the effect of *adoptio*, and why was it regarded of more importance in ancient law than it is in modern?

14. Olim itaque tribus modis in manum conveniebant: usu, farreo, coemptione. 1 G. 110.

Explain fully the meaning of these words, and the requirements in each case, usu, farreo, coemptione: what is the force of *olim* here?

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What legal institution does the above refer to: describe it?

CRIMINAL LAW.

THURSDAY, 9TH APRIL:—4 TO 6.30 P.M.

Examiner,.....N. W. TRENHOLME, D.C.L.

1. Define Criminal Law, and state some of the reasons which give interest as well as importance to its study.

2. Give a short account of the means by which criminal justice was administered in this Province before the Conquest, and state in what important features the Criminal Law then administered was defective and inferior to the English Criminal Law.

3. In what sense is English Criminal Law our Criminal Law at the present time? Was it ours at any time, and if so, when and how did it become so, and what is the cause of any difference that has taken place in this respect since the Cession?

4. Indicate some of the principal ameliorations which the Criminal Law has undergone both in England and this country since the Cession, and the manner in which they have been effected.

5. Give some account of the origin and jurisdiction of the principal criminal courts which have had to do with the administration of Criminal Law in England and in this Province.

6. Give an account of the means for the apprehension and committal of offenders at different periods in the history of Criminal Law, and state when and by what authority the granting of warrants of arrest and the taking of preliminary depositions came about.

7. What were the different principal modes of accusation known to the Criminal Law, and indicate their relative prominence at different periods and the reasons therefor?

8. What were the different forms of trial, other than that by jury, known to the Criminal Law, and when and why did they fall into disuse? When was trial by battel formally abolished and under what circumstances?

9. Upon what evidence or knowledge of the facts did juries act at different periods, and what was the cause of the change in the law that took place in this respect? What was the origin of the practice of fining and imprisoning juries for their verdicts, and when was this practice formally declared to be illegal?

10. What are some of the principal provisions introduced by statutes to secure greater certainty and efficiency in the administration of criminal justice:—1. As regards the statements and descriptions to be contained in the indictment; 2. as regards the time when certain objections must be taken to the indictment; 3. as regards cases where the evidence falls short of establishing the offence charged in the indictment, or establishes a different offence; 4. as regards the indicting and trying of accessories?

11. What is the Statute of Treasons, and what principal offences did it cover by its literal terms, and what offences was it held to cover by the interpretation put on it? What is our law on the subject at the present time?

12. What are the different kinds of homicide, and point out the difference between murder and manslaughter? From about what time have the words "of his malice aforethought" come to bear their present meaning, and what led to this meaning being placed on them?

LAW OF REAL ESTATE.

FRIDAY, DECEMBER 12TH:—4 TO 6 P.M.

Professor, ... HON. J. S. C. WURTELE, D.C.L.

1. Under what tenures are lands now held in the Province of Quebec, and what are their features?

2. Define full ownership of land.

3. Define the difference between a real right in and a personal right to land.

4. Give the real rights that may be possessed on land, and define each of them.

5. Describe the nature of the two principal actions relating to real estate, viz.: petitory actions and possessory actions.

6. What measures are used in the measurement of land in the Province of Quebec?

7. Describe the difference between the servitude of a right of way over a lane or passage, and a right of undivided and common ownership of a lane or passage.

8. What in a city or town is the obligation of neighbors with respect to enclosure?

9. What is this obligation in the country?

10. What are the respective rights of the possessor and the owner with respect to improvements made by the former?

11. To whom do the fruits belong when land is possessed by one who is not the owner?

12. When can the action of boundary be exercised?

BILLS—NOTES—CHEQUES.

MARCH 13TH.

Professor,.....L. H. DAVIDSON, D.C.L., Q.C.

1. Give definition of a Bill, Note and Cheque, respectively, and state what are the essentials of each. Explain in what respect these several instruments resemble one another as to the liability of the parties thereto.

2. Explain the meaning of the terms "Delivery," "Acceptance," "Endorsement," "Bearer," "Holder," "Holder in due course," as applied to Bills or Notes.

3. What is a "Negotiable instrument?" What Bills or Notes are negotiable, and how is "negotiation" thereof effected?

4. What consequences follow by law: (1) Upon the drawing of a Bill, as to the Drawer; (2) upon the acceptance of a Bill, as to the Drawee; (3) upon the endorsement of a Bill, as to the Indorsee.

5. How is a bill or note "dishonored?" What steps are necessary upon the due dishonor of a Bill or Note in order to retain right against the parties to the instrument? Explain succinctly but fully.

6. What is meant by a "Crossed Cheque?" How many kinds of "crossing" are recognized by the Act; distinguish each, and state how a "crossed" cheque differs from one not crossed.

7. Who is a "transferrer by delivery" of a Bill or Note? and what are the liabilities of such transferrer and what right or title does the transferee take as against other parties to the instrument?

8. How may a Bill or Note be "discharged?"

9. What is an "Acceptance for Honor," and how and when may it be made? What is the engagement of the acceptor for Honor and towards whom? What steps are necessary to hold the acceptor for Honor to due payment of the Bill?

10. What is a "Payment for Honor," and how is it to be made? Upon what instruments may it be made? Is there any difference, and if so, what in the quality of the title obtained by the "payee for honor" and that of the transferee of an overdue bill?

LAW OF CONTRACTS.

SATURDAY, 11TH APRIL:—3 TO 5 P.M.

Examiner, ...C. A. GEOFFRION, Q.C.

1. What is the difference between *obligations* and *contracts?* Can a party incapable of contracting oblige himself and become liable to any actions resulting from obligations?

2. Who are the persons incapable of contracting? Explain the nature of each incapacity, *i.e.*, which is absolute, which is relative?

3. What kind of error, fraud or violence are causes of nullity of contracts? Do they carry absolute nullity?

4. By the rules contained in our Civil Code, when and by whom can the *actio pauliana* be exercised? Show the difference in this respect between gratuitous and onerous contracts?

5. Give the definition of *negotiorum gestio*, and a few explanations as to the rights and obligations resulting from this quasi-contract.

6. When does *condictio indebiti* take place? Are the obligations of the person who received a thing not due in good faith the same as when the person is in bad faith; if not, in what do they differ?

7. Can a person, who knowingly paid a thing not due, recover by *condictio indebiti, v.g.*, a person who paid another for immoral or illegal purposes?

FIRST YEAR.

HISTORY OF LOWER CANADIAN LAW AND LEGAL BIBLIOGRAPHY.

SATURDAY, DECEMBER 13TH:—3 TO 5 P.M.

Examiner,.....PROF. ARCH. MCGOUN, M.A., B.C.L.

1. During what period did the Company of One Hundred Associates possess this country under a proprietary Government?

2. What was the original composition of the Sovereign Council of New France? When and how was it modified, as to composition and name?

3. Give an account of the powers of the Intendant.

4. What is customary law? What was the part of France to which it was applied called, as distinguished from the rest of France?

5. Mention a few early collections in which provisions of customary law are recorded.

6. What were the various tenures of land under the feudal system?

7. What were the four great ordinances of the XVII. century, under Louis XIV?

8. Give a short account of Dumoulin and of Pothier and of their works.

9. Mention any three titles of the Custom of Paris that have been, in the main, retained in our law. Give the name of any good commentator on this Custom.

SECOND AND THIRD YEARS.

HISTORY OF LOWER CANADIAN LAW AND LEGAL BIBLIOGRAPHY.

Examiner,.....PROF. ARCH. MCGOUN, M.A., B.C.L.

1. State briefly the grounds on which different European nations claimed the earliest sovereignty of Canada.

2. Give an account of the Sovereign Council of New France, its composition at various dates and its functions.

3 What departments of public affairs were under the Governor and the Intendant respectively?

4. Give an account of customary law in France, and state when its legal authority was expressly recognized by royal edict.

5. In virtue of what ordinance was the reduction to writing of the various customs of France undertaken; what was the first custom published; and when were the customs of Paris and of Orleans?

6. Mention a few ordinances of general importance before A.D. 1600.

7. What ordinances were passed in the XVIII. century, and under what chancellor?

8. Give a short account of Cujas, Dumoulin and Domat, and of their works.

9. What two great men contributed chiefly to the unification of civil law in France, and what was the character of the work of each?

10. How have the Custom of Paris and the Ordinance of 1867 respectively influenced our law? Name one commentator on each.

CIVIL PROCEDURE.

FRIDAY, APRIL :—AFTERNOON, 4 TO 6.

Examiner,..... ....PROFESSOR FORTIN.

1. What is an action? How are actions divided? What conditions are required to entitle a person to bring an action?

2. What is jurisdiction? How many kinds of jurisdiction are there? How is the want of jurisdiction pleaded?

3. Before what tribunal are personal actions brought? Real actions? Mixed actions? Actions relating to matters of successions?

4. What is the effect of a judicial demand regularly formed?

5. How many kinds of pleas are there? Within what delays must they be fyled?

6. When can a demurrer be made? What is the difference between a plea *au fond* and an *exception péremptoire?*

7. What is *lis pendeus?* What is required in order that there many be *lis pendeus?*

8. How is issue joined?

9. What is an intervention? Who can form the same and how is it formed?

10. What is an incidental demand? When and by whom can it be formed? How is it formed?

NOTARIAL LAW AND PROCEDURE.

Examiner,.....PROF. W. DE M. MARLER, B.A., B.C.L.

1. Name the various classes of writings under the Roman Empire, and give the distinctions as regards proof?

2. How were notaries appointed in France? In what respects did their functions differ?

3. Define authentic writings. State the conditions required for authenticity. Wherein do authentic writings differ from private writings?

4. State in what cases an authentic deed can be set aside on improbation; give examples in which such action would be unnecessary.

5. How would a vendor make delivery of a Lot of Land sold by measure?

6. How would you describe a Lot forming part of an official number? How, if bounded in front by a street and on the other three sides by other parts of the same number belonging to the same owner?

7. A sells to B a lot of 100 x 100 at a price per foot which B has paid; on measurement the lot contains 96 x 100. What are B's rights against A?

8. Give examples of clauses extending and diminishing the effects of legal warranty?

9. In what cases would the vendor not be liable to restore the price if the purchaser were evicted?

10. Distinguish between the effects of legal warranty and the clause of *franc et quitte?*

CIVIL LAW.

FRIDAY, 17TH APRIL:—4 TO 6 P.M.

Examiner,.....C. J. DOHERTY, B.C.L.

1. By what methods can a person dispose of his property gratuitously? Define these different methods, and point out the distinctions between them?

2. What is the effect of an impossible condition or condition contrary to good morals, to law, or to public order, upon which a gift *inter vivos* depends? What is the effect of a similar condition in a will?

3. At what time must the capacity to give and to receive *inter vivos* exist? At what time must the capacity of a testator to dispose by will exist? At what time must the capacity to receive by will exist?

4. What gifts *inter vivos* are exempt from registration?

Where registration is required, what are the effects of its absence? By whom may the want of registration be set up?

5. In what contracts, by what persons and in favor of what persons can future property be validly given?

6. What are the different forms of Wills? Mention the essential formalities required in each form?

7. What is the liability for the debts of the testator of: 1. the universal legatee; 2. the legatee by general title; 3. the legatee by particular title?

8. By what means can a testator revoke a will or legacy? Upon what grounds may the revocation of a will or legacy be demanded?

9. In what acts can substitutions be created? In what cases can substitutions be revoked by the person creating them?

10. In what quality does the institute hold the substituted property prior to the opening of the substitution? What are his principal obligations?

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RAILWAY LAW.

THURSDAY, 17TH APRIL;—AFTERNOON, 3 TO 5.

Examiner,..... ....PROFESSOR HARRY ABBOTT, Q.C.B.C.L.

1. To what Railway Companies do the provisions of "The Railway Act" Dominion) apply? Distinguish between Companies which are wholly or partially subject to the provisions of that Act.

2. Who may be directors of a Railway Company, and what is the qualification of a director? (*a*) Under the Dominion Act, (*b*) under the Quebec Act?

3. State briefly the general powers of Railway Companies by statute.

4. What are the rights and privileges of bond holders, in the event of default in payment of interest or capital of bonds issued by a Railway Company, and how may they be exercised?

5. State briefly the procedure to be followed in expropriating the lands of individuals for Railway purposes.

6. What persons are entitled to statutory compensation by reason of the exercise of the powers of a Railway Company? and state the principl s which should govern arbitrators in assessing the compensation, and especially as to the nature and extent of the damages to be awarded.

7. A and B are owners of houses equi-distant from a Railway, part of the land on which A's house is built is taken by the Railway, B's property is not touched. Would either of them be entitled to statutory compensation for depreci ition in value of their houses resulting from the noise, smoke and vibration caused by passing trains? Give reasons for your opinion supported by authorities

8. What are the remedies against an award, (*a*) under the Dominion Act, (*b*) under the Quebec Act? And point out on what grounds, (generally) and how, they may be exercised; and illustrate by a reference to the jurisprudence.

9. Give instances of what would, and what would not, constitute a case of undue preference by a Railway Company, in the rate of tolls, in favor of any person or any description of traffic.

10. In what cases are Railway Companies liable, and in what cases are they not liable, for animals killed or injured by their trains?

11. Explain the liability of Railway Companies as common carriers of (*a*) goods, (*b*) passengers, (*c*) passengers' baggage.

12. In what manner and to what extent may Railway Companies limit their liability as carriers of goods? Give an illustration from some reported case.

FIRST YEAR.

CIVIL LAW.

Law of Persons.

Friday, December 19th:—Afternoon, 4 to 6.

Examiner,..... .....Professor Eugène Lafleur, E.A., B.C.L.

1. Mention the various ways in which the quality of a British subject is acquired and lost.

2. Enumerate the principal civil disabilities of aliens in the Province of Quebec.

3. A marriage is contracted by an escaped convict, under sentence of imprisonment for life, with a woman who is in good faith and in ignorance of his status.

(*a*) Are the children born of such a marriage legitimate?

(*b*) Would such children inherit from both or either of their parents?

4. Define domicil, distinguishing it from residence. Illustrate by examples.

5. (*a*) How is a charge of domicil effected in the case of independent persons.

(*b*) An emigrant, who has abandoned his home in England, sails for the Province of Quebec, where he intends to establish himself permanently, but dies on the voyage.

What law governs the devolution of his *ab intestate* succession?

6. D, the son of a subject of the United States, is born in the Province of Ontario, where his father is then residing, though domiciled, without being naturalized, in the Province of Quebec.

Where is D's domicil of origin?

Give reasons for your answer.

7. Distinguish between the provisional and the absolute possession of the heirs of absentees.

8. (*a*) How can the husband, under our law, enforce the obligation imposed on the wife of residing with him?

(*b*) Under what circumstances would a wife be absolved from this obligation?

9. For what causes can separation from bed and board be demanded:—

(*a*) By the husband;

(*b*) By the wife?

10. (*a*) In how many ways can a minor become emancipated?

(*b*) What are the effects of emancipation on the status and capacity of a minor?

SECOND AND THIRD YEARS.

CIVIL LAW.

LAW OF PERSONS.

FRIDAY, DECEMBER 19TH:—AFTERNOON, 4 TO 6.

Examiner,.....PROFESSOR EUGÈNE LAFLEUR, B.A., B.C.L.

1. (*a*) To what extent has the English doctrine of perpetual allegiance been modified, in its application to cases arising in Canada, by the provisions of the Naturalization Act (Rev. Stat. Can., ch. 113)?

(*b*) State the conditions upon which an alien may obtain a certificate of naturalization under the terms of that statute?

2. Enumerate the principal effects of civil death.

3. What is the domicil of origin of:—

(*a*) A legitimate infant born during its father's lifetime;

(*b*) An illegitimate infant;

(*c*) A posthumous infant;

(*d*) A foundling;

(*e*) A person legitimated *per subsequens matrimonium*?

4. A domiciled Scotchwoman is married in France, without ante-nuptial contract or marriage settlement, to a domiciled Englishman residing in London. The consorts retain their residence in London for five years after the marriage, and then come to Montreal, with the intention of making it their permanent home.

(*a*) Would community of property under our Civil Code exist between the consorts as regards any moveable or immoveable property acquired by them in this Province after their removal to Montreal?

(*b*) If not, what law would govern their rights to such property?

(*c*) Would real estate in the Province of Quebec acquired by the husband be subject to customary dower?

5. What is the effect of the re-appearance of an absentee, or of proof of his existence:—

(*a*) During the provisional possession of the heirs; and

(*b*) After the heirs have obtained absolute possession?

6. (*a*) What persons are allowed to seek the nullity of a marriage contracted before the parties, or either of them, have attained the age required by law?

(*b*) What limitations or restrictions does our law establish with respect to the right to contest such marriages?

7. Mention the principal effects of a judgment of separation from bed and board.

8. (*a*) Can the testimony of the parties be received in actions for separation from bed and board?

(*b*) Would admissions in the pleadings avail against the party making them?

(*c*) Could acquiescence in a judgment granting separation from bed and board be invoked to obtain the dismissal of an appeal?

9. What are the grounds of incapacity, exclusion and removal from tutorship?

10. (*a*) State the principal provisions of the Act defining the investments to be made by administrators. (Q. 42-43 Vict., cap. 30, amended by Q. 46 Vict., cap. 24.)

(*b*) What liability does this statute impose on a Tutor or Curator who fails to comply with its provisions?

FACULTY OF LAW.

CONSTITUTIONAL HISTORY.

THURSDAY, 15th DECEMBER, 1892 :—3 TO 6, P M.

Examiner,.....N. W. TRENHOLME, D.C.L.

1. What are some of the things that give importance to the study of the Constitutional History of England?

2. Where are the principles and rules of that Constitution to be found; and give some account of the documents that constitute the written code of the constitution, and of their nature and importance?

3. Point out how the English Constitution is an evolution, and from what period Parliament, as at present composed, dates?

4. What are some of the advantages of an English Constitution as an instrument of popular government, and as regards the means and ways of working it, compared with modern written constitutions? What are some of its dangers and disadvantages, and the best means of protection against the same?

5. Give some account of the substitution of Parliamentary grants for feudal aids and revenues, and of the great influence of this change on the constitutional history of the nation?

6. What was, what has been called the great English Revolution of the 17th Century; and what marked change did the Constitution undergo during that period?

7. Give some account of the origin and history of the two great English political parties; and of Parliamentary Government by party through a cabinet or ministers as at present practised, noting any marked changes during the period in the influence of the Crown and the causes thereof?

8. How do you account for the paucity of needed reforms in the laws and constitution during the last century and first quarter of the present; and mention some of the great reforms that have since taken place?

9. Give some account of the Acts of Union with Scotland and Ireland, and of the differences in the position of these two countries since the Act of Union with Scotland.

10. What are the principal constitutional changes that have taken place in France since 1789?

CRIMINAL LAW.

SATURDAY, APRIL 1st:—2 TO 5, P.M.

Examiner, ... PROF. TRENHOLME.

1. What is criminal law; and give some account of the formation of the system of criminal law introduced into Canada at the Cession, and of some important ameliorations in it since and previous to the Criminal Code of 1892?

2. What are some of the most important changes and improvements effected by the Criminal Code: 1, in the substantive law; 2, in procedure?

3. What are the principal grounds of excuse for acts *prima facie* criminal? What rules does the Code adopt as regards excuses based on insanity? May drunkenness or ignorance of law ever be invoked as a defence?

4. What are treason, seditious libel, blasphemous libel, defamatory libel? What difference in the pleas admissible in these different kinds of libel? What was the Statute of Treasons, what Fox's Libel Act, what Lord Campbell's Act respecting libel?

5. Classify homicide, and give the essentials of each kind. Define murder and manslaughter in accordance with the existing law.

6. Classify the different offences against property, and indicate the essentials under the Code to constitute theft, false pretences, robbery, burglary, house-breaking, forgery, arson.

7. Give a brief account of the growth of the law of forgery. Indicate the proof required to be made in an ordinary case of forgery, and how it may be made.

8. Explain the following: petit treason, petit larceny, grand larceny, compound larceny, the pillory, benefit of clergy, peine fort et dure, deodand, imparl.

9. Give in proper terms and order the successive proceedings to conviction against an offender for an indictable offence, indicating the different pleas that may be pleaded and any exceptional provisions in procedure in case of treason or murder. State when and on what principle a jury may convict of a different offence from that stated in the indictment.

10. State the offence, if any, in the following instances, giving in each case the principle of your decision:—

(*a*) A being freshly pursued by B for robbery turns on B, and in order to escape inflicts on him a dangerous bodily injury of which B dies. Would the offence be different if the immediate cause of B's death was improper treatment?

(*b*) A, who resides in Canada, and has a wife living, marries B in the U. S. What facts would you require to prove to convict A of bigamy, and how would you prove them? Would B be a good witness against A?

(*c*) A finds a sovereign, or is paid one by mistake for a shilling. At first he intends to return it to the owner whom he knows, but subsequently keeps and appropriates it.

What is A's offence under the existing law, and what under the Code?

(*d*) A places a lighted candle under a bed in his house, intending to burn the house in order to obtain the insurance. The bed takes fire but the fire is extinguished before it burns any part of the house.

A is indicted for arson. Can he be convicted of it or at all? What proof would you make in such case and how?

(*e*) A promises to marry B, and thereby obtains money from her. He does not marry her, and in fact never intended to, as he is a married man.

What and wherein is the offence, if any, and would the case be different if B knew that A was married?

(*f*) Two men of the same name live in the same town. One receives a letter containing a cheque to order which he knows is for his namesake. He nevertheless keeps it, indorses the cheque with his usual ignature, obtains the money and appropriates it?

ROMAN LAW.

SATURDAY, APRIL 8TH:—2 TO 5 P.M.

Examiner,.....N. W. TRENHOLME, D.C.L.

1. Write a short essay on the position and importance of Roman Law in the history and growth of Law.

2. Give some account of the different periods in the history of Roman Law and of the characteristics of each.

3. Give an account and indicate the significance of: the Servian Constitution, The XII Tables, The Licinian Rogations, The Perpetual Edict of Salvius Julianus, The Theodoxian Code, The Compilations of Justinian.

4. Describe the different institutions that may be said to correspond with the subject matter of the First Book of Justinian's Institutes?

5. Classify persons in Roman Law relative to libertas, civitas, familias, and indicate in proper terms the rights enjoyed by each class under the jus publicum and jus privatum, and the changes of status that might take place?

6. Describe Maine's Epochs in the growth of law and the great agencies in its amelioration.

7. Scriptum jus est lex, plebiscitu, Senatus consulta, principum placita, magistratuum Edicta, responsa prudentium:

Give an account of each of these and indicate its place among the great agencies in improving the law?

8. Translate and explain the following: Omnes populi qui legibus et moribus reguntur, partim suo proprio, partim communi omnium hominum jure utuntur nam quod quisque populus ipse sibi jus constituit, id ipsium civitatis proprium est, vocaturque jus civile, quasi jus proprium ipsius civitatis. Quod vero naturalis ratio inter omnes homines constituit, id apud omnes peræque custoditur, vocaturque jus gentium, quasi quo jure omnes gentes utuntur.

9. According to Maine what is the difference between the Jus Gentium and Jus Naturale; and what their influence: 1. On Roman Law; 2. On International Law; 3. On Modern forms of political thought?

10. What inferences appear deducible from the XII Tables and other early systems as to the nature of primitive society and law?

11. Give an account of: 1. Early *ab intestate* succession; 2. Of early testamentary succession including the development of the different forms of wills?

12. Point out some of the ways in which the Roman principle of occupancy has influenced modern theories of acquisition and ownership, and give Maine's criticism of Blackstone on this subject. What is the value in early law of such divisions of property as Res Mancipi and Res Nec Mancipi?

13. "I know," says Maine, "nothing more wonderful than the variety of sciences to which Roman Law, Roman Contract Law more particularly has contributed modes of thought, courses of reasoning and a technical language." Give his reasons in support of the above statement.

14. Give some account of the nature and features of the earlier and later Roman criminal law and tribunals. When did a real criminal system begin? How do you account for the long absence of the death penalty in Roman Law?

LAW OF REAL ESTATE.

SATURDAY, MARCH 4TH.

Examiner,..... .... PROF. WURTELE, D.C.L.

1. Define the right of ownership.

2. What laws are applicable to and govern real estate?

3. Define the difference between a real right and a personal right, with respect to a piece of land?

4. What is the nature of the right of a lessee of real estate?

5. When and under what conditions can a person be compelled to give up his property?

6. What difference is there between the public domain of the Crown and the private domain of the Crown?

7. What is the object of a petitory action?

8. How many possessory actions are there? Define the object of each kind.

9. What actions relate to Servitudes? Define the object of each.

10. On whom does the burden of proof fall in a negatory action, and what is the reason of the rule?

11. What is the object of the action of boundary?

12. By whom and in what manner can bounds be placed, and by whom is the expense of determining boundaries borne?

LAW OF CONTRACTS.

FRIDAY, DECEMBER 16TH:—4 TO 6 P.M.

Examiner,.....C. A. GEOFFRION, D.C.L.

1. What is the difference between an obligation void and an obligation voidable; a judgment of nullity and a judgment of recision? What is the result of both judgments as to the time they take effect? Are there nullities which do not require to be proposed or pleaded?

2. What kind of warranty is due in case of eviction or latent defects when a dation *en paiement* has taken place in voluntary discharge of a natural obligation; does a partial payment of a natural obligation create a civil obligation for the balance of the natural debt?

3. Explain the distinction between the payment by a third party mentioned in article 1141 and the payment with subrogation authorized by article 1154.

4. Is the rule contained in article 1149 applicable to the heirs of the debtor or creditor; can one of several instalments of the same debt past due be tendered without violating this rule? What about arrears of a successive debt, *e g.*, an annual rent?

5. Do you apply articles 1151 and 1152 to loan for consumption or loan for use?

6. Can a debtor of two debts, one past due and the other not yet matured, claim imputation on the latter; and if he has that right, can he do so in all cases?

7. Describe what is current money and legal tender as defined by our statutes.

8. Can novation be effected of a natural obligation by a civil obligation or *vice versa*?

9. Will compensation take place between a debt secured and a debt unsecured?

10. Can the surety of a debtor losing benefit of compensation under article 1192 claim his release, as having taken place to his benefit prior to the assignment of the debt secured by him?

LEGAL BIBLIOGRAPHY.

TUESDAY, DECEMBER 13TH.

Examiner,..... ..... ARCH. MCGOUN, M.A., B.C.L., PROF.

1. Who was known as the oracle of the Customary Law? On what custom did he write chiefly?

2. Who was the most illustrious exponent of Roman Law in France in the XVI Century?

3. Mention some of the principal works of Pothier; about what period did he write; what makes his writings of special value as an exposition of Lower Canadian Civil law?

4. What important enactment is the chief basis of our system of Civil Procedure? Name some commentator upon it.

5. Give a sketch of an individual in the revolutionary period whose work had some influence in giving shape to the work of codification. What did he do?

6. Give name and short account of a writer of this century on Roman Law in modern system.

7. What is the nature of the works grouped under the name of Dalloz Jurisprudence Générale du Royaume?

8. Mention any four of the leading commentators on the Code Napoléon and some of their works.

9. What are the principal branches of our law derived chiefly from the laws of England?

10. Who is regarded as the founder of English Mercantile Law? State what you know of him.

11. How is the High Court of Justice in England divided? What is its relation to the Court of Appeals?

12. Which is the highest Court in the Empire, and what is the title of the highest judicial officer?

13. State what you know of the highest Court of Justice in France.

14. Give the names and subjects of works of three modern English writers who have contributed towards the codification of certain branches of the law.

15. Name any two authors on the law of insurance.

16. Name any work on Canadian Constitutional law.

Any twelve of the above questions to be answered.

CIVIL PROCEDURE.

WEDNESDAY, DECEMBER 14TH:—4 TO 6 P.M.

Examiner, ... PROFESSOR FORTIN.

1. What is an action? How are actions divided? Give a short description of each.

What conditions are required to entitle a person to bring an action?

2. How many kinds of pleas are there? State the object of each and when it lies.

3. What is an incidental demand? When does it lie?

An intervention? When does it lie? How is it made?

4. What is a sub-collocation? By whom and when can it be claimed? What are the remedies against a judgment of distribution?

5. Who can make a judicial abandonment of property? In what cases? How is it made?

6. How is civil imprisonment ordered and executed? How can the debtor obtain his discharge?

7. What is a writ of *capias?* When and against whom does it lie? Draw an affidavit against a debtor who is about to leave the province of Canada with intent to defraud his creditors?

8. How is the *capias* contested? How can the defendant be discharged from the *capias?*

9. What is a *mandamus*, and when does it lie? How is the demand made?

10. When does the writ commonly called *Quo warranto* lie?

11. What is a writ of *prohibition?* When does it lie?

12. What is an injunction? When does it lie?

N.B.—Second and Third year Students are not bound to answer the first three questions.

PROCEDURE CIVILE.

MERCREDI, 14 DÉCEMBRE:—4 A 6 P.M.

Examinateur,.....PROFESSEUR FORTIN.

1. Qu'est-ce qu'une action? Comment se divisent les actions? Donnez une courte définition de chacune.

2. Combien d'espèces de plaidoyers y a-t-il? Dites quel est l'objet de chacun et dans quels cas il y a lieu de les faire.

3. Qu'est-ce qu'une demande incidente? Dans quels cas peut-on en faire?

Une intervention? Quand peut-elle être faite? Comment est-elle formée?

4. Qu'est-ce qu'une collocation en sous-ordre? Par qui et dans quel cas peut-elle être demandée? Quels sont les recours contre un jugement de distribution?

5. Qui peut faire une cession judiciaire de ses biens? Dans quels cas? Comment se fait la cession?

6. Comment la contrainte par corps est-elle obtenue et exécutée? Comment le débiteur peut-il obtenir son élargissement?

7. Qu'est-ce qu'un bref de *capias*? Quand et contre qui peut-il émaner? Rédigez une déposition contre un débiteur qui est sur le point de quitter la Province du Canada avec l'intention de frauder ses créanciers?

8. Comment le *capias* est-il contesté? Comment le défendeur peut-il obtenir son élargissement?

9. Qu'est-ce qu'un *mandamus*; et dans quels cas peut-il émaner? Comment la demande en est-elle formée?

10. Quand y a-t-il un bref communément appelé *Quo warranto*?

11. Qu'est-ce qu'un bref de *prohibition*? Dans quels cas peut-il émaner?

12. Qu'est-ce qu'un bref *d'injonction*? Quand peut-il émaner?

N.B.—Les étudiants de deuxième et de troisième années ne sont pas tenus de répondre au trois premières questions.

CIVIL LAW.

WEDNESDAY, APRIL 19TH:—4 TO 6 P.M.

Examiner,.....JUDGE DOHERTY

1. What is the nature of the right to the enjoyment of the thing leased created by the contract of lease of things in favor of the lessee? In what respects does his right differ from that of a usufructuary?

2. What remedy has the lessee in the event of refusal by the lessor to deliver the thing leased: (*a*) where the thing leased is in the possession o the lessor, (*b*) where the thing leased is in possession of a third person?

3. What is understood by "tacit renewal of a lease"? When does it take place? Upon what is it based? Does it give rise to a new engagement, or merely the continuation of the old?

4. A leases a house to B. During the continuance of the lease, and by reason of a defect in construction existing at the time of the lease, but unknown to either party, the walls of the house crack, rendering the same uninhabitable, and causing serious damage to B.

What are the rights of the latter against A? what would his rights be had the defect not existed at the time of the lease, but subsequently come

into existence, without fault on A's part? Give reasons for your answers.

5. What are the principal obligations of the lessee of a thing?

6. During the pendency of the lease of a house it is damaged by fire. The cause of the fire cannot be ascertained.

The tenant is deprived of one-third of the premises leased for a period of two months while the same are being repaired.

The damage to the property by the fire amounts to $2,000 ?

The lessor claims this sum from the lessee; the lessee on his part claims a deduction of $\frac{1}{3}$ of his rent for the two months above mentioned.

Is the claim of the lessor well founded?

Is the claim of the lessee well founded?

Give reasons for your answers.

7. A having leased a property to B for five years, sells the same during the first year of the lease to C? What are the rights of B against C? Are they affected by the registration or non-registration of his lease? What would they have been under the law prior to the Code?

8. What is the effect upon a contract of a lease of the expropriation for public purposes of the thing leased?

9. A, a builder, contracts with B to erect for the latter a house on land belonging to him (B). Eight years after, the house perishes by reason solely of the unfavorable nature of the soil on which it was erected. A had specially stipulated he would not be responsible for any defect in the soil? Is A liable in damages to B? Would he be so liable if the building had perished by reason of faulty plans furnished by the architect employed by B, and to whose plans A was by his contract bound to conform?

Give the reasons of your answers in both cases.

10. Is a contract for the rendering of personal services made for the life-time of the lessor binding? Is it so if made for the life-time of the lessee? In either case give the reason for your answer?

NOTARIAL PRACTICE AND CONVEYANCING.

SATURDAY, APRIL 22ND :—AFTERNOON.

Examiner, ... PROF. W. DE M. MARLER.

1. Give examples of rights which a person may have possessed, which do not form part of his succession? Does a succession ever include property of which the deceased is no longer the owner?

2. Can a succession be testamentary and abintestate at the same time?

3. What is the Inventory? What are its principal uses? and in general terms when is an Inventory required to be made?

4. Into what parts is an Inventory divided and describe them?

5. A person who is common as to property with his wife leaves five children, of whom two are minors as his heirs-at-law. His wife survives him. By whom would the Inventory be made and in whose presence?

6. What delays, if any, are granted to make the Inventory in cases of tutors, usufruct, substitution, Testamentary executors and to close a community dissolved by death, and what penalties are imposed for failure?

7. In the case of Testamentary executors when is an Inventory not required?

8. In question five, a Bank deposit is an asset of the community. Who would be entitled to receive it, and what would be necessary to obtain it?

9. Describe the declaration of transmission of immoveables required for registration purposes in cases of (*a*) intestate successions. (*b*) Testamentary succession.

10. A succession has been administered by executors who have had the seizing of the moveable and immoveable property for several years. Sketch the deed of partitions.

11. Distinguish between partitions judicially made and compulsory partitions.

12. What is the object of returns in matters of succession? State the general principle as to what property is subject to return, and the distinction between moveable and immoveable property?

TRADE-MARKS AND DESIGNS, AND PATENTS.

FRIDAY, APRIL 21ST:—AFTERNOON, 4 TO 6.

Examiner, ... PROF. ABBOTT, Q.C.

1. What is a Trade-mark? Give essential elements, and distinguish between the right of property in Trade-Marks, Copyright and Patents.

2. State the general principle governing the use of names and words as Trade-marks.

3. Define a "false trade-description."

4. In what cases may registration of a Trade-Mark be refused?

5. State briefly the general rules to be followed in deciding what would constitute an infringement of a Trade-Mark; and remedies civil and criminal.

6. Define "Letters Patent of Invention;" and state briefly the origin and sources of the law governing them.

7. State shortly what would and what would not be patentable.

8. What are the essentials of the specification and claim required from the applicant for a Patent?

9. In what cases may Commissioner object to issue a Patent? Particularize as to prior publication and user.

10. On what grounds may a Patent be forfeited or revoked?

11. What constitutes an infringement of a Patent? State briefly the general principles upon which question is to be decided.

PRESCRIPTION.

SATURDAY, MARCH 18TH:—3 TO 5 P.M.

Examiner,..... .... E. LAFLEUR, B.A., B.C.L.

1. (*a*) Can prescription be renounced by anticipation? (*b*) Is it lawful to stipulate in a contract that the right of action shall be barred by a shorter time than that fixed by the law for the prescription of that right? (*c*) Can a tutor, upon the advice of a family council and with the authorization of the Court, validly renounce a prescription acquired by a minor? Give reasons for your answer.

2. In what cases can the Court of its own motion supply the defence resulting from prescription?

3. Enumerate and briefly explain the various characteristics of the possession which avails for the purposes of prescription.

4. What is meant by *precarious* possession, and what is the effect of it in regard to acquisitive prescription?

5. A discounts B's note, receiving at the same time from B a number of bonds as collateral security for the payment of the note.

(*a*) If B pays the note at maturity, but neglects to obtain the return of the bonds, will A's possession of them after the extinction of the debt avail him to prescribe the ownership of the bonds

(*b*) If the note remains unpaid for more than five years after maturity, can B plead that the note is prescribed, the bonds being in A's possession all the time?

6. (*a*) Is prescription interrupted by the service of a petition for leave to plead *in forma pauperis?* By the filing of a claim with the curator to a debtor who has made a judicial abandonment? By the collocation of a creditor in the distribution of the proceeds of a sheriff's sale of immoveables? (*b*) Will a judicial demand brought against the principal debtor interrupt prescription against the surety? (*c*) Does the renunciation by a person of a prescription acquired affect the surety?

7. When does prescription of personal actions begin to run :—

(*a*) With respect to debts depending on a condition?

(*b*) With respect to actions in warranty?

(*c*) With respect to debts with a term?

8. State the period required for prescription in the following cases :—

Crown rents, municipal taxes, interest on judgments, damages resulting from offences and quasi-offences, damages for slander, actions in rescission of contracts for fraud, the acquisition of corporeal immoveables in excess of what is given by the title.

9. (*a*) What is the meaning of the expression "translatory title" as applied to prescription by subsequent purchasers?

(*b*) Is such title vitiated by the bad faith or the precarious title of the grantor?

(*c*) Is a *conditional* title available for the prescription of ten years under translatory title?

(*d*) Is a deed of partition a translatory title within the meaning of Art. 2251 C.C.?

10. Discuss briefly the question raised in *Robinson* vs. *Canadian Pacific Railway* with regard to the prescription of the action of the widow under Art. 1056 C.C. for damages occasioned by the death of her husband through the negligence of a railway company, and state the holding of the Privy Council on this point.

LAW OF EVIDENCE.

SATURDAY, MARCH 25TH.

Examiner,..... ....PROFESSOR ARCHIBALD.

1. What is an authentic instrument? What is its effect? How may it be contradicted?

2. How can you obtain copies, making *prima facie* proof, of a will executed out of the Province of Quebec?

3. What persons are incompetent to give testimony?

4. In what cases can proof be made by testimony?

5. A sells to B in the presence of witnesses 20 casks of sugar, upon a sample of one-half pound extracted from one of them. This sample B takes away with him. Afterwards B refuses to accept the sugar. Can the contract be proved by parole testimony? Give your reasons.

6. In what cases and under what circumstances are leading questions admissible?

7. State the circumstances under which and the methods by which a witness may be discredited.

8. State summarily the different bases of the Dominion Electoral Franchise.

FACULTY OF LAW.

MATRICULATION EXAMINATION.

SEPTEMBER 1ST, 1893:—4 P. M.

Examiners, ... PROFS. ARCHIBALD AND MCGOUN.

1. Translate into English:

Interea magno misceri murmure pontum,
Emissamque hiemem sensit Neptunus, et imis
Stagna refusa vadis, graviter commotus; et alto
Prospiciens, summa placidum caput extulit unda.
At puer Ascanius, cui nunc cognomen Iulo
Additur, Ilus erat, dum res stetit Ilia regno,
Triginta magnos volvendis mensibus orbes
Imperio explebit, regnumque ab sede Lavini
Transferet, et longam multa vi muniet Albam.

VIRGIL, AEN., BK. I.

(*a*) Explain the construction *cui nunc cognomen Iulo*. (*b*) Scan the first three lines.

2. Translate into French:

Cum ille, homo audacissimus, conscientia convictus, primo reticuisset, patefeci cetera: quid ea nocte *egisset*, quid in proximam constituisset, quem ad modum esset *ei* ratio totius belli descripta, edocui. Cum haesitaret cum teneretur, quaesivi quid dubitaret *proficisci* eo, quo iam pridem, *pararet*, cum arma, cum securis, cum fascis, cum aquilam illam argenteam cui etiam sacrarium *domi suae* fecerat, scirem esse praemissam.—IN CATILINAM, II. 3 and 13.

3. Translate into English: Pothier, Obligations 115.

Toutes personnes, même les enfants et les insensés, peuvent, par le quasi contrat qui résulte du fait d'un autre, être obligées envers lui, et l'obliger envers elles; car ce n'est pas le consentement qui forme ces obligations, et elles se contractent par le fait d'un autre, sans aucun fait de notre part. L'usage de la raison est à la vérité requis dans la personne dont le fait forme un quasi contrat; mais il n'est pas requis dans la personne par qui ou envers qui les obligations qui résultent de ce fait sont contractées.

4. Translate into French:

A person capable of contracting may, by his lawful and voluntary act, oblige himself toward another and sometimes oblige another toward him, without the intervention of any contract between them.

ARITHMETIC AND ALGEBRA.

5. A property having been sold for $1,400, the price has to be divid d after payment of $87 costs, among three creditors having claims of $1,700, $200 and $33.20. How much does each get?

6. What capital will amount in three years to $5,000 at 6 per cent. interest, interest being (*a*) simple, (*b*) compound.

GEOMETRY.

7. To describe a parallelogram which shall be equal to a given triangle and have an angle equal to a given angle.

8. When the square on one side of a triangle is equal to the squares on the other two sides, prove that the triangle is right-angled.

Show also that the triangle is obtuse-angled if the square on one side is greater than the squares on the other two sides.

LOGIC AND ETHICS.

9. (*a*) Explain the causes and logical effects of ambiguity of terms. (*b*) Explain how "The Extension of terms is decreased as their Intension is increased."

10. (*a*) Distinguish Immediate from Mediate Inference, and state the object of conversion.

(*b*) If the proposition "All good men are sincere" is true, show, by *any* logical process, what other propositions may be legitimately obtained from it, (1) as true, (2) as false.

11. What is the field of the Science of Ethics?

12. State and illustrate the characteristic by which moral actions are differentiated from actions that are non-moral.

OBLIGATIONS.

FIRST AND SECOND YEARS.

SATURDAY, 25TH NOVEMBER, 1893:—3 TO 5.30 P.M.

Examiner,.....N. W. TRENHOLME, D.C.L.

1. Define and classify law and its sources, and the subjects with which it deals.

2. Define and classify obligations, and give the requirements of a valid obligation of each class.

3. Describe the different kinds of contracts in our Code: give the classification of contracts in the Institutes and that based chronologically on the growth of the law of contract in Roman Law.

4. Classify and point out the effects of the different kinds of incapacity to contract in our law.

5. Explain the different vices that may occur in contracts, and when, by whom and with what effect they may be invoked?

6. When may creditors exercise the rights of their debtors, and describe the remedy they may exercise against contracts entered into by their debtors in fraud of their rights and under what conditions. On what principle are the above remedies of creditors based?

7. What is default, and when and how may a debtor be or be placed in default, and what remedies may be ordinarily exercised against a debtor in default?

8. Give the leading rules respecting the measure of damages to which a debtor is liable in our law? What was held in Hadey & Bunendale?

9. Point out various differences that exist between obligations *ex delicto* and *quasi ex delicto*, and obligations *ex contractu*, as regards their nature, capacity to incur them, extent and nature of responsibility and the persons affected by them.

10. Point out and account for the difference in the position occupied by the law of *torts* in ancient and in modern systems of law.

11. What is subrogation: what compensation: and how may they take place?

12. Explain the different ways in which obligations may be extinguished.

13. What is the law of contract by correspondence? Does the English law differ from ours on this subject? Does it, as regards an offer made with a time fixed for acceptance or as regards an agreement to reduce the contract to writing, or as to damages for loss of future profits, or as regards contributory negligence?

14. Give some account of the provisions of Lord Campbell's Act incorporated into our Code. What was held in Robinson and the C.P.R., and on what principle were English decisions invoked as authorities in that case?

15. Explain *translatio actionis activa et passiva*, and the difference in the extent to which it takes place in our law compared with Roman Law, and the reasons therefor?

16. What is evidence: what are its different kinds? Whence do we derive our law of evidence? Give the leading rules governing the adduction and admissibility of evidence and the proof of obligations in our law?

N.B.—The First year will answer questions 1 to 9 inclusive, the Second year questions 7 to 16 inclusive.

ROMAN LAW.

FIRST YEAR.

THURSDAY, DEC. 14TH, 1893 :—2 TO 4 P.M.

Examiner,.....N. W. TRENHOLME, D.C.L.

1. Write briefly on the value of the study of Roman law.

2. How would you treat the subject of the history of Roman law, and where do you find the sources of our knowledge of Roman law and its history?

3. Describe the original Roman Constitution, and also the Reformed or Servian Constitution. What natural transition does the latter mark in the growth of States?

4. Give some of the principal events that mark the first half of the Republic, and state the character of that period in Roman History.

5. Indicate the importance of the XII Tables in the history of law, and explain the different agencies for the amelioration of the law after it has once been codified, and the order and mode of their operation.

6. Give some account of the different attempts at codification in Roman law, and specially of the compilations of Justinian, their nature and contents.

7. What were the Leges Sacrae : Comitia Curiata : Comitia Centuriata : Comitia Tributa : Responsa Prudentium : Ius Honorarium : Lex Hortensia : Licinian Rogations?

ROMAN LAW.

THURSDAY, 14TH DECEMBER, 1893 :—4 TO 6.30 P.M.

Examiner,.....N. W. TRENHOLME, D.C.L.

1. Omnium autem obligationum summa divisio in duo genera deducitur; namque aut civiles sunt, aut praetoriae. Civiles sunt quae aut legibus constitutae, aut certo iure civili comprobatae sunt. Praetoriae sunt quas praetor ex sua iurisdictione constituit, quae etiam honorariae vocantur.

Sequens divisio in quatuor species deducitur. Aut enim ex contractu sunt, aut quasi ex contractu, aut ex maleficio, aut quasi ex maleficio. Prius est ut de iis quae ex contractu sunt despiciamus. Harum aeque quatuor sunt species. Aut enim re contrahuntur, aut verbis, aut litteris, aut consensu.

Translate the foregoing, and state what objections, if any, there are to the classifications contained therein. Give a better classification, if you can, with your reasons therefor?

2. Quibus modis re contrahitur obligatio?

Answer this fully, and describe the actions connected therewith.

Give the position and importance historically of the provisions of the edict: Nautae, caupones, stabularii, etc., and the leading features of our law on the corresponding subject?

3. Translate and explain fully the import of the following: Cum autem emptio et venditio contracta sit (quod effici diximus simul atque de pretio convenerit, cum sine scriptura res agatur) periculum rei venditae statim ad emptorem pertinet, tametsi adhuc ea resemptori tradita non sit.

With what modification, if any, must this statement as to periculum be taken? What difference, if any, between the Roman Law and our law on the points referred to in this passage, and as to the effect of contract alone in sale?

4. Nulla emptio sine pretio esse potest. Item pretium in numerata pecunia consistere debet. Why is this the case, and what difference, if any, in the position and rights and obligations of parties if the consideration were not money but some other thing?

Is our law the same?

5. What principle of Roman Law was an obstacle to the existence of a true law of agency, and what means were adopted to overcome this obstacle and form such a law of agency in virtue of which the real principals could avail themselves of and sue and be sued on the contracts and acts of their mandataries. Introduce in this connection the following: Servus ex persona domini jus stipulandi habet; acquiritur nobis non solum per nosmetipsos sed etiam per eos quos in potestate habemus; actiones, quod iussu, exercitoriae, institoriae, mandati directae et contrariae, actiones utiles.

6. What principle of Roman Law was an obstacle to the cession or transfer of debts and rights, and give the means adopted to overcome it?

What was the Lex Anastasiana, and have we anything like it, and what?

7. Classify partnerships in Roman Law and in our law. Indicate some of the principal differences in the rights and obligations of partners *inter se* and towards third parties under different kinds of partnership in our Code. State the leading rules by which the powers of partners are determined?

8. Societas dissolvitur ex personis; ex rebus; ex voluntate; ex actione; ex tempore. Explain each of these and the consequences of dissolution thereby as regards the partners and also as regards third persons, and the effect on the property of the partnership.

9. What were the principal obligations ex delicto in Roman Law and what the Lex Aquilia; and how did the Roman Law of delict and quasi delict differ from ours: 1. As regards the nature of the acts that fell under each of these clas es; and 2, As regards the nature ot the remedy given to the person wronged or injured?

10. Describe in chronological order and give your appreciation of the different systems of civil procedure that prevailed in Roman Law, including execution of judgments.

Maine speaks of the Actio Sacramenti as a dramatization of the origin of justice. Point out the truth of this.

11. Give some account of the tribunals and judicial organization by which justice was administered in Roman Law at different epochs at Rome, in Italy and in the Provinces. Indicate some of the principal causes and agencies that tended to uniformity of law and of its administration throughout the Empire.

In connection with the foregoing question explain the following: ius Italicum; Municipia; Coloniae; Praefecturae; proconsul; propraetor; conventus; praeses; iudices pedanei; consilium vel auditorium principis; provocatio; decreta; praefectus urbi; praefectus praetorio.

N.B.—Students of the Third Year will omit questions 4, 6 and 11; students of the Second Year will omit questions 5, 9 and 10.

ROMAN LAW.

SATURDAY, 10TH MARCH, 1894:—3 TO 6 P.M.

Examiner, ... N. W. TRENHOLME, D.C.L.

1. Give some account of three leading systems of property known in the history of that subject; and point out distinguishing features in property in the present day.

2. Translate and explain: "res vel in nostro patrimonio sunt, vel extra nostrum patrimonium habentur."

"Singulorum autem hominum multis modis res ,fiunt. Quarumdam enim rerum dominium nanciscimur iure naturali, quod, sicut diximus, oppellatur ius gentium: quarumdam iure civili."

Give the different classes of "res" and modes of acquisition above referred to, with a particular account of "occupatio" and "accessio." Explain generally the dual character of Roman legal institutions and its importance and influence in Roman Law, particularly in property and successions.

3. What were the rights and remedies of the *possessor* in Roman Law under the different kinds of possession? What corresponding remedies, if any, exist in our law, and under what conditions can they be exercised? What great reforms did Justinian effect in the law of property and usucapion and prescription?

4. Describe the principal modes of acquisition per universitatem in Roman Law, with a particular account, in order, of the different kinds of Roman Wills, their nature and requirements, and their connection with modern wills. Explain: Testamentifactio: Institutio he redis: substitutio pupillaris, exemplaris; exheredatis, nominatim, interceteros: querela inofficiosi testamenti, portio legitima, Lex Falcidia: legata, per vindicationem, per damnationem.

5. "De heredum qualitate et differentia." Explain the law on this subject, giving the different classes of testamentary heirs, their position, rights modes of acquiring, and an account of the important beneficia they came to enjoy and the reasons therefor.

6. De fideicommissis: de codicillis. Give some account of these, their rise and importance. Explain: clausula codicillaris: Scta Tertullianum, Pegasianum: fideicommittens, fideicommissarius, fiduciarius: fideicommissa hereditatum.

7. Describe the Roman Law of abintestate succession at different epochs. Explain: "Ius bonorum possessionis introductum est a praetore, emendandi veteris iuris gratia." Also: "Aliquando tamen neque emendandi neque impugnandi veteris juris, sed magis confirmandi gratia pollicetur bonorum possessionem."

Point out what the praetor did, and the different kinds and orders of possessors which he created.

What were the Scta Tertullianum and Orphitianum? What the order of succession established by Justinian, and how did it differ from our law?

8. Give Maine's views on the Roman doctrine of occupatio and its influence; and on origin of individual ownership; the origin of primogeniture; res mancipi and nee mancipi, and importance of such divisions.

N.B.—The 3rd year will answer all 8 questions; the 1st and 2nd years will answer the first 6.

MERCHANT SHIPPING.

TUESDAY, 17TH APRIL, 1894 :—4 TO 6.30 P.M.

Examiner, ...N. W. TRENHOLME, Q.C., D.C.L.

1. What are the sources of our law respecting merchant shipping and the different contracts connected therewith ?

2. What is a British ship, and what vessels are subject to registration in order to enjoy the privileges of a British ship in Canada ? Under what laws and how are ships registered, and what are the consequences of failure to register ?

3. How may a ship be mortgaged, and what are the rights and position of the mortgagee ? What is the difference between mortgage and hypothecation, and how and by whom may the latter be effected ?

What was held in Kelly and Hamilton ; D'Aoust and McDonald ; Kempt and Smith ?

4. What are the rights and position of part owners, and how do they differ from those of partners or of ordinary joint owners of property in our law ?

5. What are some of the statutory limitations as regards the liability of owners and of carriers by water, in respect of the acts and amount for which they are liable ?

6. What are the ordinary and what the extraordinary powers of the master ?

7. Explain, affreightment ; charter party ; bill of lading ; primage ; general average ; respondentia ; ship's husband ; exercitor navis.

8. By what law is the responsibility of owners for loss caused by the acts of the master and crew governed ? What was held in Guibert and Lloyd ; in Moore and Harris ?

LAW OF REAL ESTATE.

THURSDAY, 22ND MARCH :—4.30 TO 6.30 P.M.

SERVITUDES.

xaminer, ...PROF. WURTELE, D.C.L.

1. Define a servitude.

2. What kind of a right is a servitude ?

3 Are servitudes divisible ?

4. Give the classification of servitudes.

5. What are the rights of the owners of river-side property in navigable or floatable rivers?

6. In the country, what are the rights of neighbors with respect to fences and ditches?

7. What is clearance, and what are the obligations of neighbors respecting trees growing near their line of separation?

8. What obligation respecting roofs is imposed on owners as regards their neighbors?

9. How are servitudes resulting from the act of man established?

10. Describe the difference between a servitude on a property and a personal right to do the same thing on a property.

11. Who is bound to do the work necessary for the exercise of a servitude?

12. How are servitudes extinguished?

SALES.

THURSDAY, 19TH APRIL.

Examiner,.....PROF. ARCHIBALD.

1. Distinguish between the definition of sale as given in the Code and that given by Pothier. Give some of the principal changes in the law of sale resulting from the change in the definition of the contract.

2. What is delivery, and how is it effected?

3. What are the rights of a buyer when evicted from the property purchased?

4. What would be the effect of a material variance between the bought and sold notes in a commercial sale by a broker?

5. What is meant by the phrase, "*accepted or received part of the goods*," found in Art. 1235 C.C., sub-sec. 4.

6. A buys 1000 tons of iron from B "at the price of $30 per ton, which is to be delivered on or before the 31st December, 1893. A has already resold the iron for $40 per ton, deliverable in January, 1894. B fails to deliver the iron within the time limited:—

Has A an action of damages against B; if so for how much; if not what conditions would be necessary to give such right of action?

FIRST AND SECOND YEARS.

30TH JANUARY, 1894.

COMMERCIAL LAW—BILLS—NOTES—CHEQUES.

Examiner,..... PROF. L.H. DAVIDSON, D.C.L., Q.C.

1. Explain the terms, Drawer, Drawee; Maker; Payee; Endorser; Endorser *pour aval;* Acceptor; Referee in case of need, as applied to Bills, Notes and Cheques.

2. What is meant by the terms "negotiable," "negotiable security," as applied to these instruments? and distinguish between a negotiable and non-negotiable Bill under the Act of 1890. When is a Bill "negotiated" under the Act?

3. Explain the position and obligation (1) of the several parties to an ordinary Bill of Exchange with one endorser before and after acceptance and after maturity; (2) the parties to a note with three endorsers, the second of whom endorses *sans recours;* the instrument in each case being held by one whose name is not upon it.

4. What is meant by a "general," "qualified," or partial acceptance under the Act. Illustrate each.

5. What are the requisites of an endorsement of a Bill or Note so as to operate as a "negotiation"?

6. What is meant by "a transferrer by delivery," and what are his obligations? When may a bill, note or cheque be so transferred?

7. Distinguish between a protest for "non-acceptance" and for "non-payment," and explain when such steps are necessary under the Act.

8. What is the duty and obligation of a Bank as to its customers' cheques drawn upon it?

EXAMINATION ON OBLIGATIONS AND CONTRACTS.

FRIDAY, DEC. 15TH, 1893:—4 TO 6 P.M.

Examiner, ...PROF. GEOFFRION.

1. What is the distinction between obligations and contracts?

2. Can you give any reason why drunkenness is not an excuse for criminal or even civil offences, and is a cause of nullity of contracts?

3. Give your views on the incapacity resulting from civil death; is the incapacity the same in all cases?

4. Can a contract made by a married woman without the authorization of her husband be ratified by the latter? If it can, what is the effect of such a ratification?

5. Is there a distinction to make between *force* and *violence* as affecting the existence of a contract; would a contract signed by force be governed by article 1000?

6. Give your interpretation of article 992, and say whether it include error of law as well as error of fact.

7. Explain and conciliate articles 994 and 999.

8. Explain the nature of the actions granted to the creditors by articles 1031 and 1032; can both actions be exercised at the same time, or one after the other?

9. Your opinion is asked on the following questions:

A, who was of age, married B, a minor; there was a marriage contract to which the father of B, then alive, was not called to intervene. B had inherited from her deceased mother, and was possessed of $10,000; the future husband had nothing. Separation as to property was stipulated.

A was prosperous and successful in his affairs, and died leaving an estate of $100,000. Can B ask to be relieved from the stipulation of separation as to property for lesion or for any other reason?

HISTORY OF LAW—FRENCH PERIOD.

TUESDAY, DEC. 12TH:—4 TO 6 P.M.

Examiner, ...PROFESSOR McGOUN.

1. Give an account of the voyages and administration of Samuel de Champlain.

2. During what period did Maisonneuve hold the governorship of Montreal, and what was his relation to the Governor of Quebec?

3. To whom was the seigniory of Montreal granted by the Company of One Hundred Associates?

4. What events led to the dissolution of the Company of One Hundred Associates, and by what régime was its government succeeded?

5. What was the main body of civil law introduced into Canada as the fundamental law of the land? And during what period was this the principal embodiment of our civil law?

6. Define the relations of Roman, Customary and Canon law in France before the Code Napoleon was formed.

7. When were the customs of France reduced to writing? Give an account of one of the great commentators on the Custom of Paris.

8. Give some of the chief writings of Pothier, and note his special importance in relation to Lower Canada law.

9. What was the Ordinance of 1667? Mention some leading commentator upon it.

10. What was d'Aguesseau?

11 What were some of the functions of the Intendant of Justice in Canada?

12. What was the last change in the composition of the Sovereign Council, and when was it made?

CIVIL PROCEDURE.

SATURDAY, MARCH 17TH:—AFTERNOON, 2 TO 5.

Examiner, ... PROFESSOR FORTIN.

1. Before what tribunal are brought:

(*a*) Personal actions?

(*b*) Real and mixed actions?

(*c*) Actions in separation between consorts?

(*d*) In damages against public officers?

(*e*) In matters of succession?

(*f*) In warranty and in continuation of suit?

2. How is the judgment enforced, and what pleas may be opposed to the same:

(*a*) If obtained in a foreign country?

(*b*) If obtained in another province of the Dominion?

3. How is a partnership summoned? A joint stock company? A corporation? A person residing in a foreign country? In another province?

4. Describe the different pleas that may be opposed to an action. When and by whom can a demurrer be pleaded?

5. What is an incidental demand? By whom can it be made and upon what grounds? How is it made?

6. What actions may be tried by a jury? What is the province of the jury? How is judgment obtained upon a verdict? What are the remedies against a verdict?

7. What actions may be brought as summary matters? What is the difference between ordinary and summary procedure?

8. What is a possessory action? How many kinds are there, and what is the object of each? What is the prescription of such actions?

9. Who can demand confirmation of title? Who cannot? How is the demand made? What is its effect?

10. What persons must be summoned in an action *en partage?* *Quid* if there be minors having adverse interests?

When does licitation take place? What is its effect?

11. Give the essential formalities of an action of separation as to property? What is essential to give effect to the judgment?

12. What is a petition of right? How is it brought and before what tribunal?

N.B.—Second and Third Years' Students are not called upon to answer the first five questions.

NOTARIAL LAW AND PROCEDURE.

Examiner,.....PROF. MARLER, B.A., B.C.L.

1. State generally and fully:—What is a Hypothec? What it secures? Over what it extends?

2. What is meant by a legal Hypothec? State the various kinds of legal Hypothec, what they respectively secure, and how they are preserved?

3. Before the Registry ordinance, how were conventional Hypothecs created, and what changes were introduced by that ordinance?

4. What are the essentials for the validity of a conventional Hypothec?

5. What is the effect of a Hypothec granted upon an undivided portion of an immoveable by a part owner? Explain fully and give your reasons.

6. What are the privileges against immoveables? Which of them are exempt from the formality of Registration?

7. What delays, if any, are granted to Vendor and Purchaser to register the deed of Sale? Explain fully.

8. A sells to B an immoveable for $5,000, whereof B pays $2,000 cash, and promises to pay the balance of $3,000 in a year. B grants a Hypothec

upon the immoveable in favor of C for $1,000 which is registered before B's deed of acquisition is registered. State the relative rank of A's claim and C's Hypothec.

9. B grants a Hypothec to C on 1st April, 1894; to D on 5th April, 1894; to F on the 6th April, 1894. The deeds creating these Hypothecs are sent to the Registry Office for registration, and arrive at the same time. How do they rank?

10. A sells an immoveable to B, and subsequently he sells the same immoveable to C. Which of them is the owner?

11. What is meant by the indivisibility of a Hypothec? Can the Hypothec be divided?

12. State any exception to the rule that the registered owner is the reputed owner, as regards a sale made by him?

CIVIL LAW.

WEDNESDAY, 18TH APRIL, 1894:—4 TO 6 P.M.

Examiner,.....PROFESSOR DOHERTY, D.C.L.

1. What are the essentials of the contract of gift *inter vivos?*

2. Mention the principal modifications of the law respecting gifts *inter vivoss*, which were introduced by the codifiers, as consequences of the law establishing freedom of willing, or for the purpose of assimilating the law as regards gifts *inter vivos*, to that governing wills in virtue of the Statutes establishing such freedom.

3. What persons are incapable of disposing of property by gift *inter vivos?* What persons are incapable of receiving?

4. What are the essential formalities of the contract of gift?

In what cases is the registration of gifts necessary? By whom can their non-registration be invoked?

5. By whom, to whom, and how can gifts of future property be validly made? To what extent are such donations irrevocable?

6. What do you understand by (*a*) a universal legacy; (*b*) a legacy by general title; (*c*) a particular legacy? To what extent are the universal legatee, the legatee by general title, and the particular legatee respectively liable for the debts of the testator?

7. What do you understand by the right of accretion? When does it take place?

8. What is the effect of the bequest of a thing which does not belong to the testator? In what respects, if any, does our present law upon the subject differ from that anterior to the Code? In what respects, if any, does it differ from the dispositions of the Code Napoléon?

9. At what period must the capacity of disposing by will exist on the testator's part? At what period must the legatee be capable of receiving?

RAILWAY LAW.

FRIDAY, APRIL 20TH:—AFTERNOON, 3 TO 5.

Examiner, ... PROF. HARRY ABBOTT, Q.C., B.C.L.

1. What Railway Companies are subject to the jurisdiction of the Dominion Parliament; and what to that of the Legislature of the Province of Quebec? Distinguish between Companies which are wholly or partially subject to the provisions of the Dominion Railway Act.

2. What are the general powers of Railway Companies under the Railway Act?

3. What extent of land may be taken by a Railway Company *in invitum* and what is the procedure to be followed in expropriating such lands?

4. State the principles which should govern arbitrators in assessing the compensation to be given to persons expropriated by a Railway Company, and especially as to the nature and extent of the damages to be awarded.

5. Under what circumstances would a person whose property is injured by the smoke, noise, dust or vibration of passing trains, be entitled to recover compensation from the Railway Company, and in what manner?

6. Give instances of what would, and what would not constitute a case of undue preference by a Railway Company, in the rate of tolls, in favor of any person or any description of traffic.

7. In what cases are Railway Companies liable, and in what cases are they not liable, for animals killed or injured by their trains?

8. Explain the liability of Railway Companies as common carriers of (*a*) goods, (*b*) passengers, (c) passengers' baggage.

9. In what manner and to what extent may Railway Companies limit their liability as carriers of goods? Give an illustration.

10. If a person not in the Company's employ is riding on a freight train and is injured in a collision caused by the negligence of the Railway Company's servants, could he recover? and if so, under what circumstances?

LAW OF PERSONS.

FIRST YEAR.

WEDNESDAY, 13th DECEMBER :—AFTERNOON, 4 to 6.

Examiner,.....EUGÈNE LAFLEUR, B.A., B.C.L.

1. What are the conditions required for the naturalization of aliens, and before what Court in the Province of Quebec must the application be made ?

2. What are the principal effects of civil death ?

3. How is the rectification of acts of civil status obtained and carried out ?

4. Define domicile, distinguishing it from residence. How is a domicile of choice acquired ?

5. A, a domiciled Englishman, marries B, domiciled in the Province of Quebec, without ante-nuptial contract, the marriage being celebrated in New York. After the ceremony, the consorts return to England, but subsequently take up their permanent abode in the Province of Quebec, and retain their new domicile until the death of the husband.

(*a*) Can the wife claim community of property ?

(*b*) Can she claim dower on immoveables in the Province of Quebec ?

6. (*a*) Under what circumstances are the heirs of an absentee allowed to take provisional possession of his estate ?

(*b*) What are the duties of persons to whom such provisional possession is granted ?

(*c*) When does such possession become absolute ?

(*d*) What is the effect of the re-appearance of the absentee after the heirs have obtained absolute possession ?

7. Enumerate the various grounds for which marriage may be annulled, distinguishing between absolute and relative nullities.

8. What are the rights of a wife during the pendency of an action for separation from bed and board with respect to :

(*a*) the care of the children,

(*b*) her residence,

(*c*) an alimentary pension,

(*d*) the preservation of the share which she will have a right to claim when a partition takes place ?

9. What persons are excluded from tutorship ?

10. What restrictions are placed on the powers of persons provided with judicial advisers ?

LAW OF PERSONS.

Second and Third Years.

Wednesday, 13th December :—Afternoon, 4 to 6.

Examiner, ...Eugène Lafleur, B.A., B.C.L.

1. W, whose father is a British subject, was born and has always lived in a foreign State, under the laws of which he became at the time of his birth a subject of that State. A war having broken out between Great Britain and this foreign State, W is found in arms on the side of the latter.

(*a*) Would W be liable to be put to death as a traitor if tried before a British tribunal?

(*b*) What remedy does the Canadian Naturalization Act furnish for persons likely to find themselves in such a predicament, and what are the territorial limitations of this remedial legislation?

2. M, a foreigner, has obtained a certificate of naturalization in Canada, and subsequently returns to the country of which he was formerly a subject, and under the laws of which he has not ceased to be a subject thereof in spite of his naturalization in Canada. M is drafted into the army, and takes part in several engagements against British troops within the territory of the foreign State.

Would M be deemed to be a British subject during these hostilities if the question of his citizenship were to be decided by a Canadian tribunal?

3. Enumerate the principal disabilities of persons civilly dead.

4. (*a*) Can a married woman, not separated from bed and board, ever have a domicile other than that of her husband?

(*b*) What is the legal domicile of a minor who has a tutor other than his father or mother?

5. What is the effect of the domicile of the consorts upon:

(*a*) The formal validity of the marriage;

(*b*) Their capacity to marry;

(*c*) Their proprietary rights in moveable or immoveable property in the absence of an ante-nuptial contract;

(*d*) The formal validity of the ante-nuptial contract;

(*e*) The wife's capacity to contract obligations during the marriage;

(*f*) The authority of the husband over the wife;

(*g*) Jurisdiction in applications for divorce or separation from bed and board?

6. Enumerate the various grounds upon which a marriage may be annulled, distinguishing between absolute and relative causes of nullity.

7. What legal means of compulsion may a husband employ against a wife who deserts the conjugal domicile?

8. In what cases is a wife absolved from the obligation of residing with her husband ?

9. A wife not judicially separated as to bed and board, but living apart from her husband by mutual consent, obtains from a judge an authorization to sell some real estate forming part of her private property. This authorization is obtained while the hushand is residing abroad, and, although his address is known to the wife, no attempt is made to obtain his consent to the sale. Is this authorization valid, and would the purchaser obtain a valid title to the real estate?

10. (*a*) What is the value of admissions made by the parties in their pleadings in actions for separation from bed and board?

(*b*) Can the testimony of the parties be taken in such actions, and if so, under what restrictions?

(*c*) Could the acquiescence of one of the parties in a judgment of separation be invoked as a ground for obtaining the dismissal of an appeal from such judgment?

11. (*a*) Article 249 of the Civil Code states that all tutorships are dative. Is there any exception to this rule in our law ?

(*b*) Distinguish between the functions of the subrogate tutor and those of the tutor *ad hoc*, and cite leading cases as to the limitation of the powers of the latter.

12. How is a minor emancipated, and what are the effects of emancipation on his status and capacity?

FACULTY OF LAW.

SESSIONAL EXAMINATION.

INTERNATIONAL AND CONSTITUTIONAL LAW.

SATURDAY, 13TH APRIL, 1895.

Examiner,..... .....N. W. TRENHOLME, D.C.L.

1. What is international law, public and private, and point out the nature and characteristics of each?

2. Under what two heads may all questions of international private law be classed and treated, and explain each?

3. What matters are governed in our law by:
   (1) the lex fori;
   (2) the lex domicilii;
   (3) the lex loci contractus?

Explain the meaning of these terms and cite cases in illustration.

4. What rules of maritime war were agreed upon at the treaty of Paris of 1856, and point out the changes they effected, and the meaning of blockade, contraband of war, rights and obligations of neutrals, rule of 1756, armed neutrality, Berlin and Milan Decrees, Orders in Council, Prize court?

5. Explain the nature and origin of the Constitution of Canada and the principal Statutes to be considered in its interpretation, pointing out analogies and differences between it and the Constitution of the United States?

6. What is the true nature of the Provincial Governments under our system, and give the arguments pro and con as regards their sovereign or subordinate position?

7. Give and explain the distribution of powers under the B. N. A, Act, 1867, and cite cases illustrating the powers of the Dominion and of the Provinces?

8. Explain the following: the Queen, the Crown, the Executive authority, Privy Council, Cabinet, Ministry, Executive Council, responsible government, money bills?

9. What is the Manitoba School Question?

INSURANCE.

SATURDAY, 30TH MARCH, 1895.

Examiner, ...N. W. TRENHOLME, D.C.L.

1. Define the contract of insurance, and write briefly on its origin and growth, noting important legislative enactments on the subject and the principal sources of our law.

2. Explain the meaning of the following terms and their importance :— Representation, concealment, warranty, deviation, increase of risk, barratry, sue and labor.

3. What is the memorandum in marine insurance, and explain the meaning of the following in a policy : —

Corn, fish, salt, fruit and seed are warranted free from average unless general, or the ship be stranded.

Sugar, etc., warranted free from average under five pounds per cent.

4. Explain the different kinds of losses, and when and subject to what conditions the insured may claim for a total constructive loss, pointing out any difference in English law on this latter point.

5. What is general average, and how is general average contribution borne by the owner and how by the insurer ?

6. Goods worth $15,000 and insured for $10,000 are damaged and sold for $5,000, but would have sold for $20,000 if sound. What is the insurer's liability ?

7. A effects an insurance for $6,000 on a property worth $12,000, under a policy containing a 75 per cent. co-insurance clause. A loss of $4,000 occurs. What is the insurer's liability ?

What would it be without such a clause in a fire and in a marine policy ?

8. Explain the rights and obligations of parties in case of an insurance in favor of a mortgagee.

9. What is our law as to assignment of policies and transfer of object insured ?

10. Give a short account of the principal provisions of our statute relating to insurance for benefit of wife and on children.

11. What was held in the following cases :—

Lafleur and The Citizens.
Archambault and Lamère.
Black and The National.
Vezina and N.Y. Life.
Peddie and Quebec Fire Co.

N.B.—First and Second Years will answer first 7 questions.

CRIMINAL LAW.

SATURDAY, 23RD FEBRUARY, 1895.

Examiner,..... .....N. W. TRENHOLME, Q.C., D.C.L.

1. Write briefly on criminal law, particularly on the system in force in Canada, its introduction, nature, merits and defects, comparing it with the system it displaced; the principal changes and reforms in it since its introduction, including those made by the Code?

2. Give the principal grounds of justification or excuse in criminal law; with particular account of the rules relative to insanity, their origin, nature, merits and defects?

3. What are the principal offences against the state or community as a whole, with some account of the law statutory and common on two principal offences against the public order?

4. How may offences against property be classed; define theft at common law and by our Code, and give a short account of the growth of the law on this subject, noticing false pretences, embezzlement, and breaches of trust?

A buys a horse from B, who delivers it on the strength of receiving A's cheque for the price, but which cheque proves worthless, as A well knew. What and wherein is the offence if any, and if an offence, draft an indictment for it?

5. What are the principal offences against the person, with particular account of culpable homicide and its different kinds, including definition of murder at common law and under the Code. What was the Coventry Act; what Lord Ellenborough's Act?

6. Describe the different parties that there may be to an offence, with any changes made by the Code on this point?

7. Give some account of the proceedings before the magistrate upon an enquiry into an indictable offence, and of his principal duties and powers in connection with the same, including his discretionary powers?

8. In what principal ways may a person be accused of an indictable offence, with an account of the most usual of these and the requirements for its validity? Note any important changes in the law on this subject that you know of?

9. Explain the successive steps in the prosecution of an indictable offence, from finding the indictment to verdict, pointing out important objections that may arise or be taken, and how and when, to or in respect of the indictment, the juries or jurors, or any proceeding at the trial, and how they are determined?

10. When and in what offences and on what principle may a verdict be found for a different offence from that charged in the indictment, and when is a trial for an attempt a bar to a trial for the full offence or *vice versa*?

11. What pleas, special and general, may be pleaded under the Code; describe each, and when and how and with what effect it may be pleaded, including also pleas in libel and mention of statutes bearing on defence in libel?

12. What do you understand by "Speedy Trials of Indictable Offences;" "Summary Trials of Indictable Offences;" "Summary Convictions"?

N.B.—First Year, any seven questions and 2½ hours time.
Second Year, any 9 questions and 3 hours.
Third Year, all the questions and 4 hours.

LAW OF OBLIGATIONS.

SATURDAY, 24TH NOVEMBER, 1894:—3 TO 6 P.M.

Examiner, ... N. W. TRENHOLME, Q.C., D.C.L.

1. Define law and its principal divisions; give the sources of our law.

2. Define "obligation;" give the different causes and kinds of obligations--pointing out distinctions.

3. Give in historic order the different kinds of contract in Roman Law, and indicate how they illustrate the growth of the law of contract.

4. What are the different defects in contracts, and when and under what conditions may each be invoked?

5. When, on what principle and under what conditions may creditors exercise the rights of their debtors or attack contracts or transactions entered into by their debtors?

6. Describe the different kinds of incapacity in our law and the effect of each.

7. When is a debtor liable for failure to perform his obligation, and what are the rights of the debtor in case of failure in different cases? Give the leading rules as to damages.

8. Classify and describe the different ways in which obligations are extinguished, with mention of the requirements of a valid payment, tender, compensation, novation and subrogation, in different cases.

9. Give a short account of the origin of our law of evidence and of the different kinds of evidence and leading rules governing its adduction.

10. Translate the following:—

(*a*) Poena autem injuriarum ex lege duodecem tabularum propter membrum quidem ruptum talio erat: propter os vero fractum nummariae poenae erant constitutae quasi in magna veterum paupertate: sed postea praetores permittebant ipsis qui injuriam passi sunt eam aestimare, ut judex vel tanti condemnet, quanti injuriam passus aestimarerit, vel minoris prout ei visum fuerit: sed poena quidem injuriae, quae ex lege duodecem tabularum introducta est, in desuetudinem abiit; quam autem praetores introduxerunt, quae etiam hororaria appellatur, in judiciis frequentatur.

(*b*) Item exercitor navis aut cauponae aut stabuli de dolo aut facto, quod in nave aut in caupona aut aut in stabulo factum erit, quasi ex maleficio teneri videtur, si modo ipsius nullum est maleficium, sed alicujus eorum, quorum opera navem aut cauponam aut stabulum exerceret: cum enim neque ex contractu sit adversus eum constituta haec actio et aliquatenus culpae reus est, quod opera malorum hominum uteretur ideo quasi ex maleficio teneri videtur.

11. Give some account of the development of the law of *delits* and *quasi-delits*, making use of the foregoing extracts in that connection.

LAW OF REAL ESTATE.

MONDAY, APRIL 22ND, 1895:—4 TO 6 P.M.

Examiner,.....PROFESSOR WURTELE, D.C.L.

1. Under what tenures are lands now held in this Province?

2. Explain the nature of these tenures.

3. How and when was the Seigniorial tenure abolished?

4. What is ownership, and to what restrictions is it subjected?

5. What are the rights and obligations of a mere possessor?

6. What constitutes a possessor in good faith, and when does such good faith cease?

7. How is ownership acquired?

8. What are the different rights which a person may have on real estate?

9. How are the three classes of property—that belonging to the crown, that belonging to municipal and other corporations, and that belonging to individuals—governed?

10. When and how can an owner be compelled to give up his property

COMMERCIAL LAW, AGENCY, PARTNERSHIP.

FRIDAY, 14TH DECEMBER, 1894.

Examiner,..... .....PROFESSOR DAVIDSON, Q.C., D.C.L.

1. Give definition of the Contract of Agency, and explain how the same may be formed, by and between whom. Name the principal classes of Mercantile Agents, and distinguish between each.

2. Explain the terms "general," "special," "del credere," as applied to agents.

3. Explain the chief duties of the agent relatively to his principal, and the rights of the former as against the latter.

4. How is the power of a Mercantile Agent to bind his principal determined in regard to the latter and to third parties? and how is his remuneration determined?

5. How and when may the relation of principal and agent be revoked? and what, if any, limitation is there on the right of the former in this respect?

6. Give definition of the Contract of Partnership, and point out its essentials; and state the rules laid down by the author for determining whether each relationship exists or not in the absence of explicit agreement between the parties?

7. Explain the terms "Dormant," "Nominal," "Limited" Partner respectively, and distinguish as to their liability towards persons dealing with the firm of which they severally are members.

8. Explain the position and powers of the several partners in a firm in the absence of specific agreement thereto (1) as to the partnership being, (2) as to the other members thereof, and (3) as to third parties, and show the connection between Agency and Partnership.

9. How is the will of the partnership, being composed of say 5 persons, determined in the absence of specific agreement? and state when such determination is conclusive and when not?

10. How may a partnership be dissolved; and explain the results following dissolution?

11. Exolain the chief differences between a partnership proper and a joint stock company—answer fully.

EXAMINATION ON OBLIGATIONS AND CONTRACTS.

SATURDAY, MARCH, 9TH 1895 :—3 TO 5 P.M.

Examiner,..... .....PROF. GEOFFRION.

1. L'acte volontaire mais illicite peut-il donner lieu à un quasi contrat ; sinon, quelle espèce d'obligation peut résulter d'un tel acte ?

2. Dans le cas de gestion d'affaires, est-il nécessaire que le maitre ou propriétaire dont l'affaire a été gérée soit capable de contracter pour être obligé ? Expliquez la différence des obligations lorsque l'affaire gérée était nécessaire ou seulement utile ?

3. A., porteur d'un billet promissoire, en reçoit le paiement de B., qui eronnément s'en croit le débiteur ; ce dernier découvre son erreur, et rapporte le billet à A., après la prescription de 5 ans : B. peut-il recouvrer ce qu'il a payé à A. par l'action *condictio indebiti ;* pourrait-il recouvrer s'il découvrait son erreur avant la prescription, mais après que C. le débiteur véritable du billet fût devenu insolvable ?

4. Quels sont les recours contre celui qui a reçu de bonne foi ce qui ne lui était pas dû, et qui a disposé de la chose recue : 1° à titre onéreux mais pour un prix moindre que la valeur véritable ; 2° à titre purement gratuit ?

5. Quelles sont les différences entre un contrat tacite et un quasi-contrat ?

6. Expliquez ce que signifient les maximes de droit : damnum absque injuriâ ——— : sic utere tuo ut alienum non laedas ?

7. Quelle est la distinction entre choses hors du commerce et choses retirées du commerce ?

8. Laquelle action donne lieu l'obligation de faire ; *quid* l'obligation de donner ?

9. Pourquoi la mise en demeure doit-elle être par écrit lorsque le contrat est par écrit ; l'absence d'écrit peut-elle être suppléée par l'aveu de la partie ?

10. Enumérez les cas où les intérêts sont exigibles indépendamment de la convention ?

11. Quelle différence y a-t-il entre dommages *moratoires* et dommages compensatoires ?

LEGAL HISTORY AND BIBLIOGRAPHY.

TUESDAY, 11TH DECEMBER, 1894:—4 TO 6 P M.

Examiner, ... ARCH. MCGOUN, M.A., B.C.L.

1. Give the date of the Treaty of Paris; state what territories were ceded to Great Britain; give the substance of stipulations regarding religious freedom.

2. What effect had the conquest or cession on the public and criminal law of Canada?

3. Give outline of the Royal Proclamation of October, 1763.

4. What was the decision in *Stuart* vs. *Bowman*, and in *Wilcox* vs. *Wilcox*, in relation to the introduction of English private law?

5. What did the Quebec Act 1774 provide regarding Civil and Criminal law respectively, and to what lands did its provisions apply?

6. What was the composition and what the powers of the Legislative Assembly under the Constitutional Act, 1791?

7. What Acts were passed during the period covered by the Constitutional Act in relation to land tenure?

8. In what respect did the Union Act of 1841 differ from the system recommended in Lord Durham's Report?

9. Mention some of the enactments by which municipal institutions were introduced into Canada.

10. How was the Civil Code of Lower Canada prepared and enacted

11. What is the provision of the British North America Act, 1867, relating to the disallowance of bills passed (*a*) by the Parliament of Canada, (*b*) by the Legislatures of the Provinces?

12. What are the clauses in this Act respecting education?

13. Mention some of the treaties that have been passed between Great Britain and the United States respecting the boundaries of Canada.

CIVIL PROCEDURE.

WEDNESDAY, DECEMBER 12TH :—AFTERNOON, 2 TO 5.

Examiner,. ....PROF. FORTIN.

1. What conditions are required to enable a person to bring an action? Describe the different kinds of actions. What is the difference between a real and a mixed action? Between a possessory and a petitory action?

2. Before what tribunal are personal actions brought? Real and mixed actions? *Quid* if there be several defendants? Against a public officer? What preliminary procedure is required in the latter?

3. What is the effect of an action legally instituted? Give a full description of the different pleas that may be fyled to an action? What is the difference between a demurrer and a peremptory exception?

4. How is issue joined:
Upon a demurrer? Upon a *défense au fond en faits?* Upon a peremptory exception?

5. Describe the different kinds of judgments. Which are appealable? Which are not?

6. What are the remedies against a judgment, and upon what grounds do they lie?

7. How is a judgment executed? *Quid* if the parties have died or if their civil status has changed:
Before execution has commenced?
After?

8. What means of execution may be exercised by the creditor against the defendant and against third parties?

9. Who can oppose the seizure of moveables, and upon what grounds? What oppositions may be made to the sale of immoveables? What may be required from the opposant to secure charges?

10. What rights are discharged by the sheriff's sale? What are not?

11. *Quid* as to the right of ownership?
When the owner is in possession *animo domini?*

12. Upon what grounds may a sheriff's sale be set aside:
At the instance of the debtor, or other interested person?
At the suit of the purchaser?

N.B.—Second and Third Years' Students are not required to answer the first four questions.

NOTARIAL LAW AND PROCEDURE.

Examiner, ...PROF. MARLER, B.A., B.C.L.

1. How was property described before, and what changes were introduced by the Cadastral System ?

2. Describe an Emplacement forming part of an Official Lot, and bounded in front by a street and on the three other sides by other parts of the same Lot.

3. What do you mean by a Re-subdivision Plan, and under what circumstances can it be made ?

4. You have purchased a house separated from houses on either side by walls used in common ; what will be the nature of your enquiries as to these walls ?

5. A husband sells, his wife being alive, property purchased by him during the marriage ; is the signature of the wife to the deed necessary ?

6. How can you add to legal warranty ? How diminish its effects ?

7. In what cases can a man sell, after his wife's death, property purchased during the community which existed between them ?

8. Describe fully the conditions necessary for a continuation of community.

9. In what respect do the powers of the husband as to the sale of property of the continuation of community differ from those he has over the property of the community itself?

10. What are the requirements of a declaration of transmission in case of a succession ?

CIVIL LAW.

WEDNESDAY, 17TH APRIL, 1895 :—4 TO 6 P.M.

Examiner,..... ..... PROFESSOR DOHERTY, D.C.L.

1. To what extent does the law in regulating a succession consider the nature or origin of the property comprising it ? In what respect does the law as enacted by the Civil Code differ in this regard from the previously existing law ?

2. What do you understand by representation ? In what cases does it take place ?

3. A dies intestate. At his death there are living B and C his sons, D, E and F, his grand-children; D and E being the children of a predeceased daughter of A, and F being the child of a predeceased son of A. C, who is declared unworthy to inherit, has one child, I. To whom does the succession devolve, and what will be the share of each of the persons to whom it devolves? Which, if any, of the persons above named come to the succession in their own right, and which, if any, come by representation?

4. A dies intestate, leaving as his only surviving relatives his father B, his brother C, two nephews D and E, children of a predeceased brother, and his grandfather F. In the succession is an immoveable which had been given to A by F. To whom and in what shares does the succession devolve?

5. How is the position of a person called to a succession affected: (*a*) by his acceptance of the succession? (*b*) by his renunciation of the succession?

6. On what grounds can a person of full age be relieved of the acceptance made by him of a succession? On what grounds can a minor be relieved of the acceptance made in his behalf by his tutor duly authorized so to do?

7. In what case can the creditors of an heir, who has accepted, attack his acceptance? In what case can the creditors of the heir who has renounced attack his renunciation? What is the effect of the exercise of such right by the creditors of the heir who has renounced?

8. What effect has an agreement between undivided owners to remain in undivided ownership? What is the effect of an order inserted by a testator in his will, that the property bequeathed by him shall be held in undivided ownership by the legatees thereof?

9. What do you understand by the obligation to make returns? By whom and to whom are returns due?

10. What difference is there in the nature of the obligation of an heir bound to make return of a moveable, and that of an heir bound to make return of an immoveable? How is the obligation of the former affected by the perishing before the partition of the thing subject to be returned? How is the obligation of the latter affected by the same event?

BANKING AND DOCUMENTS OF TITLE.

FRIDAY, 19TH APRIL, 1895:—AFTERNOON, 4 TO 6.

Examiner,.....PROF. ABBOTT, Q.C.

1. Are Banks subject to the jurisdiction of the Legislatures of the Provinces in which they do business? Give reasons for answer.

2. Give the essential elements of the business of Banking.

3. State the conditions required by statute to be complied with by a Bank before commencing business.

4. What is the security for the payment of notes issued by Banks?

5. Explain the nature of a Bank's liability to redeem any of its notes in the following case: when (*a*) forged, (*b*) stolen, (*c*) lost, (*d*) destroyed, (*e*) partially destroyed.

6. State briefly the powers of a Bank as to (*a*) lending money and making advances, and the securities upon which such loans and advances may and may not be made; (*b*) acquiring, holding or dealing in personal and real property.

7. Are the shares in the capital stock of a Bank real or personal estate? And how does the property in them pass?

8. A by his will bequeathed his property in equal shares to his four children as institutes and to his grandchildren as substitutes, and appointed B, C and D his executors with full powers, including powers of sale. At his death he held 2,000 shares in a Bank. The will was deposited in the Bank, and the shares placed in the names of the executors, who transferred 500 shares to C, one of the testator's children. C disposed of the shares for his personal benefit. Would the Bank be liable at the suit of C's children for the value of the shares? Give reasons briefly.

9. Define documents of title.

10. Explain what title is conferred upon a holder in good faith by the transfer to him of (*a*) warehouse receipts, (*b*) bills of lading; and what are his rights upon the goods and against the party issuing the document in each case?

MARRIAGE COVENANTS.

SATURDAY, 15TH DECEMBER, 1894 :—AFTERNOON, 4 to 6.

Examiner,..... .... PROF. E. LAFLEUR.

1. In what form must marriage covenants be made in the Province of Quebec? What form or forms must be followed if the marriage contract is executed beyond the limits of the Province of Quebec, in order that such contract may be valid in that Province?

2. Can a contract of marriage be validly made by (*a*) a minor, (*b*) an interdict, (*c*) a person provided with a judicial adviser, (*d*) a person civilly dead?

3. A marriage is celebrated in Montreal between an American citizen domiciled in New York and an Englishwoman domiciled in the Province of Quebec. No ante-nuptial contract is made, and after the marriage the consorts take up their residence in New York. A few years later the husband buys a house in Montreal, and ultimately the consorts abandon their domicile in New York and establish their permanent home in Montreal. After this change of domicile the husband purchases more real estate in Montreal:

(*a*) Does community of property, according to the laws of Quebec, result from such marriage; and if so, do the house purchased by the husband while the consorts were domiciled in New York and the real estate purchased by him while they were domiciled in Montreal fall in community?

(*b*) Can the wife claim dower on these immoveables?

(*c*) Could the rights of the consorts as to these immoveables be changed by a post-nuptial settlement executed between them while they were still domiciled in New York, assuming that such post-nuptial settlement were permitted by the laws of New York.

4. Enumerate the assets and liabilities of the community.

5. When can the wife obtain a judicial separation as to property? What rights have the creditors of the wife in regard to demanding or resisting such separation? Does the separation entitle the wife to claim dower?

6. What are the rights and liabilities of the wife when she renounces the community?

7. What is the effect of a bequest by one consort to a third person of an object belonging to the community?

8. Does a husband retain any power of disposition over objects comprised in a gift in contemplation of death contained in a marriage contract?

9. What does the customary dower of the wife and children consist in?

HISTORY OF ROMAN LAW, AND FIRST BOOK OF JUSTINIAN'S INSTITUTES.

Time: two hours.

Examiner, ...PERCY C. RYAN, B.C.L.

1. What is meant by the comparative method of research in social science?

Name authors who have adopted it. State three of its principal conclusions as to the beginnings of law.

2. Describe the nature and significance of patriarchal rule, and exemplify by references to the Patria Potestas of the Romans.

3. Into what periods is the history of Roman Law divided? What stage in its development does each represent?

4. Outline the Servian constitution.

5. Sketch the Agrarian legislation of the Romans.

6. Name the legislative bodies and principal magistrates during the Republic, and state their functions.

7. What is meant by: *connubium, plebs, populus, jus sacrum, confarreatio, manus, jus postliminii.*

8. Trace the evolution of the Roman Will.

9. Define status. What were its elements? How were they lost?

10. Give an account of the law of curatorship (*curatio*).

FACULTY OF LAW.

CONSTITUTIONAL HISTORY.

THURSDAY, 15th DECEMBER, 1892 :—3 TO 6, P M.

Examiner,.....N. W. TRENHOLME, D.C.L.

1. What are some of the things that give importance to the study of the Constitutional History of England?

2. Where are the principles and rules of that Constitution to be found; and give some account of the documents that constitute the written code of the constitution, and of their nature and importance?

3. Point out how the English Constitution is an evolution, and from what period Parliament, as at present composed, dates?

4. What are some of the advantages of an English Constitution as an instrument of popular government, and as regards the means and ways of working it, compared with modern written constitutions? What are some of its dangers and disadvantages, and the best means of protection against the same?

5. Give some account of the substitution of Parliamentary grants for feudal aids and revenues, and of the great influence of this change on the constitutional history of the nation?

6. What was, what has been called the great English Revolution of the 17th Century; and what marked change did the Constitution undergo during that period?

7. Give some account of the origin and history of the two great English political parties; and of Parliamentary Government by party through a cabinet or ministers as at present practised, noting any marked changes during the period in the influence of the Crown and the causes thereof?

8. How do you account for the paucity of needed reforms in the laws and constitution during the last century and first quarter of the present; and mention some of the great reforms that have since taken place?

9. Give some account of the Acts of Union with Scotland and Ireland, and of the differences in the position of these two countries since the Act of Union with Scotland.

10. What are the principal constitutional changes that have taken place in France since 1789?

CRIMINAL LAW.

SATURDAY, APRIL 1st:—2 TO 5, P.M.

Examiner, ... PROF. TRENHOLME.

1. What is criminal law; and give some account of the formation of the system of criminal law introduced into Canada at the Cession, and of some important ameliorations in it since and previous to the Criminal Code of 1892?

2. What are some of the most important changes and improvements effected by the Criminal Code: 1, in the substantive law; 2, in procedure?

3. What are the principal grounds of excuse for acts *prima facie* criminal? What rules does the Code adopt as regards excuses based on insanity? May drunkenness or ignorance of law ever be invoked as a defence?

4. What are treason, seditious libel, blasphemous libel, defamatory libel? What difference in the pleas admissible in these different kinds of libel? What was the Statute of Treasons, what Fox's Libel Act, what Lord Campbell's Act respecting libel?

5. Classify homicide, and give the essentials of each kind. Define murder and manslaughter in accordance with the existing law.

6. Classify the different offences against property, and indicate the essentials under the Code to constitute theft, false pretences, robbery, burglary, house-breaking, forgery, arson.

7. Give a brief account of the growth of the law of forgery. Indicate the proof required to be made in an ordinary case of forgery, and how it may be made.

8. Explain the following: petit treason, petit larceny, grand larceny, compound larceny, the pillory, benefit of clergy, peine fort et dure, deodand, imparl.

9. Give in proper terms and order the successive proceedings to conviction against an offender for an indictable offence, indicating the different pleas that may be pleaded and any exceptional provisions in procedure in case of treason or murder. State when and on what principle a jury may convict of a different offence from that stated in the indictment.

10. State the offence, if any, in the following instances, giving in each case the principle of your decision:—

(*a*) A being freshly pursued by B for robbery turns on B, and in order to escape inflicts on him a dangerous bodily injury of which B dies. Would the offence be different if the immediate cause of B's death was improper treatment?

(*b*) A, who resides in Canada, and has a wife living, marries B in the U. S. What facts would you require to prove to convict A of bigamy, and how would you prove them? Would B be a good witness against A?

(*c*) A finds a sovereign, or is paid one by mistake for a shilling. At first he intends to return it to the owner whom he knows, but subsequently keeps and appropriates it.

What is A's offence under the existing law, and what under the Code?

(*d*) A places a lighted candle under a bed in his house, intending to burn the house in order to obtain the insurance. The bed takes fire but the fire is extinguished before it burns any part of the house.

A is indicted for arson. Can he be convicted of it or at all? What proof would you make in such case and how?

(*e*) A promises to marry B, and thereby obtains money from her. He does not marry her, and in fact never intended to, as he is a married man.

What and wherein is the offence, if any, and would the case be different if B knew that A was married?

(*f*) Two men of the same name live in the same town. One receives a letter containing a cheque to order which he knows is for his namesake. He nevertheless keeps it, indorses the cheque with his usual ignature, obtains the money and appropriates it?

ROMAN LAW.

SATURDAY, APRIL 8TH:—2 TO 5 P.M.

Examiner,.....N. W. TRENHOLME, D.C.L.

1. Write a short essay on the position and importance of Roman Law in the history and growth of Law.

2. Give some account of the different periods in the history of Roman Law and of the characteristics of each.

3. Give an account and indicate the significance of: the Servian Constitution, The XII Tables, The Licinian Rogations, The Perpetual Edict of Salvius Julianus, The Theodoxian Code, The Compilations of Justinian.

4. Describe the different institutions that may be said to correspond with the subject matter of the First Book of Justinian's Institutes?

5. Classify persons in Roman Law relative to libertas, civitas, familias, and indicate in proper terms the rights enjoyed by each class under the jus publicum and jus privatum, and the changes of status that might take place?

6. Describe Maine's Epochs in the growth of law and the great agencies in its amelioration.

7. Scriptum jus est lex, plebiscitu, Senatus consulta, principum placita, magistratuum Edicta, responsa prudentium:

Give an account of each of these and indicate its place among the great agencies in improving the law?

8. Translate and explain the following; Omnes populi qui legibus et moribus reguntur, partim suo proprio, partim communi omnium hominum jure utuntur nam quod quisque populus ipse sibi jus constituit, id ipsium civitatis proprium est, vocaturque jus civile, quasi jus proprium ipsius civitatis. Quod vero naturalis ratio inter omnes homines constituit, id apud omnes peræque custoditur, vocaturque jus gentium, quasi quo jure omnes gentes utuntur.

9. According to Maine what is the difference between the Jus Gentium and Jus Naturale; and what their influence: 1. On Roman Law; 2. On International Law; 3. On Modern forms of political thought?

10. What inferences appear deducible from the XII Tables and other early systems as to the nature of primitive society and law?

11. Give an account of: 1. Early *ab intestate* succession; 2. Of early testamentary succession including the development of the different forms of wills?

12. Point out some of the ways in which the Roman principle of occupancy has influenced modern theories of acquisition and ownership, and give Maine's criticism of Blackstone on this subject. What is the value in early law of such divisions of property as Res Mancipi and Res Nec Mancipi?

13. "I know," says Maine, "nothing more wonderful than the variety of sciences to which Roman Law, Roman Contract Law more particularly has contributed modes of thought, courses of reasoning and a technical language." Give his reasons in support of the above statement.

14. Give some account of the nature and features of the earlier and later Roman criminal law and tribunals. When did a real criminal system begin? How do you account for the long absence of the death penalty in Roman Law?

LAW OF REAL ESTATE.

SATURDAY, MARCH 4TH.

Examiner, ... PROF. WURTELE, D.C.L.

1. Define the right of ownership.

2. What laws are applicable to and govern real estate?

3. Define the difference between a real right and a personal right, with respect to a piece of land?

4. What is the nature of the right of a lessee of real estate?

5. When and under what conditions can a person be compelled to give up his property?

6. What difference is there between the public domain of the Crown and the private domain of the Crown?

7. What is the object of a petitory action?

8. How many possessory actions are there? Define the object of each kind.

9. What actions relate to Servitudes? Define the object of each.

10. On whom does the burden of proof fall in a negatory action, and what is the reason of the rule?

11. What is the object of the action of boundary?

12. By whom and in what manner can bounds be placed, and by whom is the expense of determining boundaries borne?

LAW OF CONTRACTS.

FRIDAY, DECEMBER 16TH:—4 TO 6 P.M.

Examiner, ... C. A. GEOFFRION, D.C.L.

1. What is the difference between an obligation void and an obligation voidable; a judgment of nullity and a judgment of recision? What is the result of both judgments as to the time they take effect? Are there nullities which do not require to be proposed or pleaded?

2. What kind of warranty is due in case of eviction or latent defects when a dation *en paiement* has taken place in voluntary discharge of a natural obligation; does a partial payment of a natural obligation create a civil obligation for the balance of the natural debt?

3. Explain the distinction between the payment by a third party mentioned in article 1141 and the payment with subrogation authorized by article 1154.

4. Is the rule contained in article 1149 applicable to the heirs of the debtor or creditor; can one of several instalments of the same debt past due be tendered without violating this rule? What about arrears of a successive debt, *e g.*, an annual rent?

5. Do you apply articles 1151 and 1152 to loan for consumption or loan for use?

6. Can a debtor of two debts, one past due and the other not yet matured, claim imputation on the latter; and if he has that right, can he do so in all cases?

7. Describe what is current money and legal tender as defined by our statutes.

8. Can novation be effected of a natural obligation by a civil obligation or *vice versa*?

9. Will compensation take place between a debt secured and a debt unsecured?

10. Can the surety of a debtor losing benefit of compensation under article 1192 claim his release, as having taken place to his benefit prior to the assignment of the debt secured by him?

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Examiner,..... ..... ARCH. MCGOUN, M.A., B.C.L., PROF.

1. Who was known as the oracle of the Customary Law? On what custom did he write chiefly?

2. Who was the most illustrious exponent of Roman Law in France in the XVI Century?

3. Mention some of the principal works of Pothier; about what period did he write; what makes his writings of special value as an exposition of Lower Canadian Civil law?

4. What important enactment is the chief basis of our system of Civil Procedure? Name some commentator upon it.

5. Give a sketch of an individual in the revolutionary period whose work had some influence in giving shape to the work of codification. What did he do?

6. Give name and short account of a writer of this century on Roman Law in modern system.

7. What is the nature of the works grouped under the name of Dalloz Jurisprudence Générale du Royaume?

8. Mention any four of the leading commentators on the Code Napoléon and some of their works.

9. What are the principal branches of our law derived chiefly from the laws of England?

10. Who is regarded as the founder of English Mercantile Law? State what you know of him.

11. How is the High Court of Justice in England divided? What is its relation to the Court of Appeals?

12. Which is the highest Court in the Empire, and what is the title of the highest judicial officer?

13. State what you know of the highest Court of Justice in France.

14. Give the names and subjects of works of three modern English writers who have contributed towards the codification of certain branches of the law.

15. Name any two authors on the law of insurance.

16. Name any work on Canadian Constitutional law.

Any twelve of the above questions to be answered.

CIVIL PROCEDURE.

WEDNESDAY, DECEMBER 14TH:—4 TO 6 P.M.

Examiner, ... PROFESSOR FORTIN.

1. What is an action? How are actions divided? Give a short description of each.

What conditions are required to entitle a person to bring an action?

2. How many kinds of pleas are there? State the object of each and when it lies.

3. What is an incidental demand? When does it lie?

An intervention? When does it lie? How is it made?

4. What is a sub-collocation? By whom and when can it be claimed? What are the remedies against a judgment of distribution?

5. Who can make a judicial abandonment of property? In what cases? How is it made?

6. How is civil imprisonment ordered and executed? How can the debtor obtain his discharge?

7. What is a writ of *capias?* When and against whom does it lie? Draw an affidavit against a debtor who is about to leave the province of Canada with intent to defraud his creditors?

8. How is the *capias* contested? How can the defendant be discharged from the *capias?*

9. What is a *mandamus*, and when does it lie? How is the demand made?

10. When does the writ commonly called *Quo warranto* lie?

11. What is a writ of *prohibition?* When does it lie?

12. What is an injunction? When does it lie?

N.B.—Second and Third year Students are not bound to answer the first three questions.

PROCEDURE CIVILE.

MERCREDI, 14 DÉCEMBRE:—4 A 6 P.M.

Examinateur,.....PROFESSEUR FORTIN.

1. Qu'est-ce qu'une action? Comment se divisent les actions? Donnez une courte définition de chacune.

2. Combien d'espèces de plaidoyers y a-t-il? Dites quel est l'objet de chacun et dans quels cas il y a lieu de les faire.

3. Qu'est-ce qu'une demande incidente? Dans quels cas peut-on en faire?

Une intervention? Quand peut-elle être faite? Comment est-elle formée?

4. Qu'est-ce qu'une collocation en sous-ordre? Par qui et dans quel cas peut-elle être demandée? Quels sont les recours contre un jugement de distribution?

5. Qui peut faire une cession judiciaire de ses biens? Dans quels cas? Comment se fait la cession?

6. Comment la contrainte par corps est-elle obtenue et exécutée? Comment le débiteur peut-il obtenir son élargissement?

7. Qu'est-ce qu'un bref de *capias*? Quand et contre qui peut-il émaner? Rédigez une déposition contre un débiteur qui est sur le point de quitter la Province du Canada avec l'intention de frauder ses créanciers?

8. Comment le *capias* est-il contesté? Comment le défendeur peut-il obtenir son élargissement?

9. Qu'est-ce qu'un *mandamus*; et dans quels cas peut-il émaner? Comment la demande en est-elle formée?

10. Quand y a-t-il un bref communément appelé *Quo warranto*?

11. Qu'est-ce qu'un bref de *prohibition*? Dans quels cas peut-il émaner?

12. Qu'est-ce qu'un bref *d'injonction*? Quand peut-il émaner?

N.B.—Les étudiants de deuxième et de troisième années ne sont pas tenus de répondre au trois premières questions.

CIVIL LAW.

WEDNESDAY, APRIL 19TH:—4 TO 6 P.M.

Examiner,.....JUDGE DOHERTY

1. What is the nature of the right to the enjoyment of the thing leased created by the contract of lease of things in favor of the lessee? In what respects does his right differ from that of a usufructuary?

2. What remedy has the lessee in the event of refusal by the lessor to deliver the thing leased: (*a*) where the thing leased is in the possession o the lessor, (*b*) where the thing leased is in possession of a third person?

3. What is understood by "tacit renewal of a lease"? When does it take place? Upon what is it based? Does it give rise to a new engagement, or merely the continuation of the old?

4. A leases a house to B. During the continuance of the lease, and by reason of a defect in construction existing at the time of the lease, but unknown to either party, the walls of the house crack, rendering the same uninhabitable, and causing serious damage to B.

What are the rights of the latter against A? what would his rights be had the defect not existed at the time of the lease, but subsequently come

into existence, without fault on A's part? Give reasons for your answers.

5. What are the principal obligations of the lessee of a thing?

6. During the pendency of the lease of a house it is damaged by fire. The cause of the fire cannot be ascertained.

The tenant is deprived of one-third of the premises leased for a period of two months while the same are being repaired.

The damage to the property by the fire amounts to $2,000?

The lessor claims this sum from the lessee; the lessee on his part claims a deduction of $\frac{1}{3}$ of his rent for the two months above mentioned.

Is the claim of the lessor well founded?

Is the claim of the lessee well founded?

Give reasons for your answers.

7. A having leased a property to B for five years, sells the same during the first year of the lease to C? What are the rights of B against C? Are they affected by the registration or non-registration of his lease? What would they have been under the law prior to the Code?

8. What is the effect upon a contract of a lease of the expropriation for public purposes of the thing leased?

9. A, a builder, contracts with B to erect for the latter a house on land belonging to him (B). Eight years after, the house perishes by reason solely of the unfavorable nature of the soil on which it was erected. A had specially stipulated he would not be responsible for any defect in the soil? Is A liable in damages to B? Would he be so liable if the building had perished by reason of faulty plans furnished by the architect employed by B, and to whose plans A was by his contract bound to conform?

Give the reasons of your answers in both cases.

10. Is a contract for the rendering of personal services made for the life-time of the lessor binding? Is it so if made for the life-time of the lessee? In either case give the reason for your answer?

NOTARIAL PRACTICE AND CONVEYANCING.

SATURDAY, APRIL 22ND :—AFTERNOON.

Examiner, ... PROF. W. DE M. MARLER.

1. Give examples of rights which a person may have possessed, which do not form part of his succession? Does a succession ever include property of which the deceased is no longer the owner?

2. Can a succession be testamentary and abintestate at the same time?

3. What is the Inventory? What are its principal uses? and in general terms when is an Inventory required to be made?

4. Into what parts is an Inventory divided and describe them?

5. A person who is common as to property with his wife leaves five children, of whom two are minors as his heirs-at-law. His wife survives him. By whom would the Inventory be made and in whose presence?

6. What delays, if any, are granted to make the Inventory in cases of tutors, usufruct, substitution, Testamentary executors and to close a community dissolved by death, and what penalties are imposed for failure?

7. In the case of Testamentary executors when is an Inventory not required?

8. In question five, a Bank deposit is an asset of the community. Who would be entitled to receive it, and what would be necessary to obtain it?

9. Describe the declaration of transmission of immoveables required for registration purposes in cases of (*a*) intestate successions. (*b*) Testamentary succession.

10. A succession has been administered by executors who have had the seizing of the moveable and immoveable property for several years. Sketch the deed of partitions.

11. Distinguish between partitions judicially made and compulsory partitions.

12. What is the object of returns in matters of succession? State the general principle as to what property is subject to return, and the distinction between moveable and immoveable property?

TRADE-MARKS AND DESIGNS, AND PATENTS.

FRIDAY, APRIL 21ST:—AFTERNOON, 4 TO 6.

Examiner,..... PROF. ABBOTT, Q.C.

1. What is a Trade-mark? Give essential elements, and distinguish between the right of property in Trade-Marks, Copyright and Patents.

2. State the general principle governing the use of names and words as Trade-marks.

3. Define a "false trade-description."

4. In what cases may registration of a Trade-Mark be refused?

5. State briefly the general rules to be followed in deciding what would constitute an infringement of a Trade-Mark; and remedies civil and criminal.

6. Define "Letters Patent of Invention;" and state briefly the origin and sources of the law governing them.

7. State shortly what would and what would not be patentable.

8. What are the essentials of the specification and claim required from the applicant for a Patent?

9. In what cases may Commissioner object to issue a Patent? Particularize as to prior publication and user.

10. On what grounds may a Patent be forfeited or revoked?

11. What constitutes an infringement of a Patent? State briefly the general principles upon which question is to be decided.

PRESCRIPTION.

SATURDAY, MARCH 18TH:—3 TO 5 P.M.

Examiner,..... E. LAFLEUR, B.A., B.C.L.

1. (*a*) Can prescription be renounced by anticipation? (*b*) Is it lawful to stipulate in a contract that the right of action shall be barred by a shorter time than that fixed by the law for the prescription of that right? (*c*) Can a tutor, upon the advice of a family council and with the authorization of the Court, validly renounce a prescription acquired by a minor? Give reasons for your answer.

2. In what cases can the Court of its own motion supply the defence resulting from prescription?

3. Enumerate and briefly explain the various characteristics of the possession which avails for the purposes of prescription.

4. What is meant by *precarious* possession, and what is the effect of it in regard to acquisitive prescription?

5. A discounts B's note, receiving at the same time from B a number of bonds as collateral security for the payment of the note.

(*a*) If B pays the note at maturity, but neglects to obtain the return of the bonds, will A's possession of them after the extinction of the debt avail him to prescribe the ownership of the bonds

(*b*) If the note remains unpaid for more than five years after maturity, can B plead that the note is prescribed, the bonds being in A's possession all the time?

6. (*a*) Is prescription interrupted by the service of a petition for leave to plead *in forma pauperis?* By the filing of a claim with the curator to a debtor who has made a judicial abandonment? By the collocation of a creditor in the distribution of the proceeds of a sheriff's sale of immoveables? (*b*) Will a judicial demand brought against the principal debtor interrupt prescription against the surety? (*c*) Does the renunciation by a person of a prescription acquired affect the surety?

7. When does prescription of personal actions begin to run :—

(*a*) With respect to debts depending on a condition?

(*b*) With respect to actions in warranty?

(*c*) With respect to debts with a term?

8. State the period required for prescription in the following cases :—

Crown rents, municipal taxes, interest on judgments, damages resulting from offences and quasi-offences, damages for slander, actions in rescission of contracts for fraud, the acquisition of corporeal immoveables in excess of what is given by the title.

9. (*a*) What is the meaning of the expression "translatory title" as applied to prescription by subsequent purchasers?

(*b*) Is such title vitiated by the bad faith or the precarious title of the grantor?

(*c*) Is a *conditional* title available for the prescription of ten years under translatory title?

(*d*) Is a deed of partition a translatory title within the meaning of Art. 2251 C.C.?

10. Discuss briefly the question raised in *Robinson* vs. *Canadian Pacific Railway* with regard to the prescription of the action of the widow under Art. 1056 C.C. for damages occasioned by the death of her husband through the negligence of a railway company, and state the holding of the Privy Council on this point.

LAW OF EVIDENCE.

Saturday, March 25th.

Examiner,..... ....Professor Archibald

1. What is an authentic instrument? What is its effect? How may it be contradicted?

2. How can you obtain copies, making *prima facie* proof, of a will executed out of the Province of Quebec?

3. What persons are incompetent to give testimony?

4. In what cases can proof be made by testimony ?

5. A sells to B in the presence of witnesses 20 casks of sugar, upon a sample of one-half pound extracted from one of them. This sample B takes away with him. Afterwards B refuses to accept the sugar. Can the contract be proved by parole testimony ? Give your reasons.

6. In what cases and under what circumstances are leading questions admissible ?

7. State the circumstances under which and the methods by which a witness may be discredited.

8. State summarily the different bases of the Dominion Electoral Franchise.

FACULTY OF LAW.

CONSTITUTIONAL HISTORY.

THURSDAY, 15th DECEMBER, 1892 :—3 TO 6, P M.

Examiner,.....N. W. TRENHOLME, D.C.L.

1. What are some of the things that give importance to the study of the Constitutional History of England?

2. Where are the principles and rules of that Constitution to be found; and give some account of the documents that constitute the written code of the constitution, and of their nature and importance?

3. Point out how the English Constitution is an evolution, and from what period Parliament, as at present composed, dates?

4. What are some of the advantages of an English Constitution as an instrument of popular government, and as regards the means and ways of working it, compared with modern written constitutions? What are some of its dangers and disadvantages, and the best means of protection against the same?

5. Give some account of the substitution of Parliamentary grants for feudal aids and revenues, and of the great influence of this change on the constitutional history of the nation?

6. What was, what has been called the great English Revolution of the 17th Century; and what marked change did the Constitution undergo during that period?

7. Give some account of the origin and history of the two great English political parties; and of Parliamentary Government by party through a cabinet or ministers as at present practised, noting any marked changes during the period in the influence of the Crown and the causes thereof?

8. How do you account for the paucity of needed reforms in the laws and constitution during the last century and first quarter of the present; and mention some of the great reforms that have since taken place?

9. Give some account of the Acts of Union with Scotland and Ireland, and of the differences in the position of these two countries since the Act of Union with Scotland.

10. What are the principal constitutional changes that have taken place in France since 1789?

CRIMINAL LAW.

SATURDAY, APRIL 1st:—2 TO 5, P.M.

Examiner, ... PROF. TRENHOLME.

1. What is criminal law; and give some account of the formation of the system of criminal law introduced into Canada at the Cession, and of some important ameliorations in it since and previous to the Criminal Code of 1892?

2. What are some of the most important changes and improvements effected by the Criminal Code: 1, in the substantive law; 2, in procedure?

3. What are the principal grounds of excuse for acts *prima facie* criminal? What rules does the Code adopt as regards excuses based on insanity? May drunkenness or ignorance of law ever be invoked as a defence?

4. What are treason, seditious libel, blasphemous libel, defamatory libel? What difference in the pleas admissible in these different kinds of libel? What was the Statute of Treasons, what Fox's Libel Act, what Lord Campbell's Act respecting libel?

5. Classify homicide, and give the essentials of each kind. Define murder and manslaughter in accordance with the existing law.

6. Classify the different offences against property, and indicate the essentials under the Code to constitute theft, false pretences, robbery, burglary, house-breaking, forgery, arson.

7. Give a brief account of the growth of the law of forgery. Indicate the proof required to be made in an ordinary case of forgery, and how it may be made.

8. Explain the following: petit treason, petit larceny, grand larceny, compound larceny, the pillory, benefit of clergy, peine fort et dure, deodand, imparl.

9. Give in proper terms and order the successive proceedings to conviction against an offender for an indictable offence, indicating the different pleas that may be pleaded and any exceptional provisions in procedure in case of treason or murder. State when and on what principle a jury may convict of a different offence from that stated in the indictment.

10. State the offence, if any, in the following instances, giving in each case the principle of your decision:—

(*a*) A being freshly pursued by B for robbery turns on B, and in order to escape inflicts on him a dangerous bodily injury of which B dies. Would the offence be different if the immediate cause of B's death was improper treatment?

(*b*) A, who resides in Canada, and has a wife living, marries B in U. S. What facts would you require to prove to convict A of bigamy, and how would you prove them? Would B be a good witness against A?

(*c*) A finds a sovereign, or is paid one by mistake for a shilling. At first he intends to return it to the owner whom he knows, but subsequently keeps and appropriates it.

What is A's offence under the existing law, and what under the Code?

(*d*) A places a lighted candle under a bed in his house, intending to burn the house in order to obtain the insurance. The bed takes fire but the fire is extinguished before it burns any part of the house.

A is indicted for arson. Can he be convicted of it or at all? What proof would you make in such case and how?

(*e*) A promises to marry B, and thereby obtains money from her. He does not marry her, and in fact never intended to, as he is a married man.

What and wherein is the offence, if any, and would the case be different if B knew that A was married?

(*f*) Two men of the same name live in the same town. One receives a letter containing a cheque to order which he knows is for his namesake. He nevertheless keeps it, indorses the cheque with his usual ignature, obtains the money and appropriates it?

ROMAN LAW.

SATURDAY, APRIL 8TH:—2 TO 5 P.M.

Examiner,.....N. W. TRENHOLME, D.C.L.

1. Write a short essay on the position and importance of Roman Law in the history and growth of Law.

2. Give some account of the different periods in the history of Roman Law and of the characteristics of each.

3. Give an account and indicate the significance of: the Servian Constitution, The XII Tables, The Licinian Rogations, The Perpetual Edict of Salvius Julianus, The Theodoxian Code, The Compilations of Justinian.

4. Describe the different institutions that may be said to correspond with the subject matter of the First Book of Justinian's Institutes?

5. Classify persons in Roman Law relative to libertas, civitas, familias, and indicate in proper terms the rights enjoyed by each class under the jus publicum and jus privatum, and the changes of status that might take place?

6. Describe Maine's Epochs in the growth of law and the great agencies in its amelioration.

7. Scriptum jus est lex, plebiscitu, Senatus consulta, principum placita, magistratuum Edicta, responsa prudentium:

Give an account of each of these and indicate its place among the great agencies in improving the law?

8. Translate and explain the following: Omnes populi qui legibus et moribus reguntur, partim suo proprio, partim communi omnium hominum jure utuntur nam quod quisque populus ipse sibi jus constituit, id ipsium civitatis proprium est, vocaturque jus civile, quasi jus proprium ipsius civitatis. Quod vero naturalis rātio inter omnes homines constituit, id apud omnes peræque custoditur, vocaturque jus gentium, quasi quo jure omnes gentes utuntur.

9. According to Maine what is the difference between the Jus Gentium and Jus Naturale; and what their influence: 1. On Roman Law; 2. On International Law; 3. On Modern forms of political thought?

10. What inferences appear deducible from the XII Tables and other early systems as to the nature of primitive society and law?

11. Give an account of: 1. Early *ab intestate* succession; 2. Of early testamentary succession including the development of the different forms of wills?

12. Point out some of the ways in which the Roman principle of occupancy has influenced modern theories of acquisition and ownership, and give Maine's criticism of Blackstone on this subject. What is the value in early law of such divisions of property as Res Mancipi and Res Nec Mancipi?

13. "I know," says Maine, "nothing more wonderful than the variety of sciences to which Roman Law, Roman Contract Law more particularly has contributed modes of thought, courses of reasoning and a technical language." Give his reasons in support of the above statement.

14. Give some account of the nature and features of the earlier and later Roman criminal law and tribunals. When did a real criminal system begin? How do you account for the long absence of the death penalty in Roman Law?

LAW OF REAL ESTATE.

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1. Define the right of ownership.

2. What laws are applicable to and govern real estate?

3. Define the difference between a real right and a personal right, with respect to a piece of land?

4. What is the nature of the right of a lessee of real estate?

5. When and under what conditions can a person be compelled to give up his property?

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9. What actions relate to Servitudes? Define the object of each.

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11. What is the object of the action of boundary?

12. By whom and in what manner can bounds be placed, and by whom is the expense of determining boundaries borne?

LAW OF CONTRACTS.

FRIDAY, DECEMBER 16TH:—4 TO 6 P.M.

Examiner, ... C. A. GEOFFRION, D.C.L.

1. What is the difference between an obligation void and an obligation voidable; a judgment of nullity and a judgment of recision? What is the result of both judgments as to the time they take effect? Are there nullities which do not require to be proposed or pleaded?

2. What kind of warranty is due in case of eviction or latent defects when a dation *en paiement* has taken place in voluntary discharge of a natural obligation; does a partial payment of a natural obligation create a civil obligation for the balance of the natural debt?

3. Explain the distinction between the payment by a third party mentioned in article 1141 and the payment with subrogation authorized by article 1154.

4. Is the rule contained in article 1149 applicable to the heirs of the debtor or creditor; can one of several instalments of the same debt past due be tendered without violating this rule? What about arrears of a successive debt, *e g.*, an annual rent?

5. Do you apply articles 1151 and 1152 to loan for consumption or loan for use?

6. Can a debtor of two debts, one past due and the other not yet matured, claim imputation on the latter; and if he has that right, can he do so in all cases?

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9. Will compensation take place between a debt secured and a debt unsecured?

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8. Mention any four of the leading commentators on the Code Napoléon and some of their works.

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10. Who is regarded as the founder of English Mercantile Law? State what you know of him.

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12. Which is the highest Court in the Empire, and what is the title of the highest judicial officer?

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4. What is a sub-collocation? By whom and when can it be claimed? What are the remedies against a judgment of distribution?

5. Who can make a judicial abandonment of property? In what cases? How is it made?

6. How is civil imprisonment ordered and executed? How can the debtor obtain his discharge?

7. What is a writ of *capias?* When and against whom does it lie? Draw an affidavit against a debtor who is about to leave the province of Canada with intent to defraud his creditors?

8. How is the *capias* contested? How can the defendant be discharged from the *capias?*

9. What is a *mandamus*, and when does it lie? How is the demand made?

10. When does the writ commonly called *Quo warranto* lie?

11. What is a writ of *prohibition?* When does it lie?

12. What is an injunction? When does it lie?

N.B.—Second and Third year Students are not bound to answer the first three questions.

PROCEDURE CIVILE.

MERCREDI, 14 DÉCEMBRE:—4 A 6 P.M.

Examinateur,.....PROFESSEUR FORTIN.

1. Qu'est-ce qu'une action? Comment se divisent les actions? Donnez une courte définition de chacune.

2. Combien d'espèces de plaidoyers y a-t-il? Dites quel est l'objet de chacun et dans quels cas il y a lieu de les faire.

3. Qu'est-ce qu'une demande incidente? Dans quels cas peut-on en faire?

Une intervention? Quand peut-elle être faite? Comment est-elle formée?

4. Qu'est-ce qu'une collocation en sous-ordre? Par qui et dans quel cas peut-elle être demandée? Quels sont les recours contre un jugement de distribution?

5. Qui peut faire une cession judiciaire de ses biens ? Dans quels cas ? Comment se fait la cession ?

6. Comment la contrainte par corps est-elle obtenue et exécutée ? Comment le débiteur peut-il obtenir son élargissement ?

7. Qu'est-ce qu'un bref de *capias* ? Quand et contre qui peut-il émaner ? Rédigez une déposition contre un débiteur qui est sur le point de quitter la Province du Canada avec l'intention de frauder ses créanciers ?

8. Comment le *capias* est-il contesté ? Comment le défendeur peut-il obtenir son élargissement ?

9. Qu'est-ce qu'un *mandamus* ; et dans quels cas peut-il émaner ? Comment la demande en est-elle formée ?

10. Quand y a-t-il un bref communément appelé *Quo warranto* ?

11. Qu'est-ce qu'un bref de *prohibition* ? Dans quels cas peut-il émaner ?

12. Qu'est-ce qu'un bref *d'injonction* ? Quand peut-il émaner ?

N.B.—Les étudiants de deuxième et de troisième années ne sont pas tenus de répondre au trois premières questions.

CIVIL LAW.

WEDNESDAY, APRIL 19TH :—4 TO 6 P.M.

Examiner,.....JUDGE DOHERTY

1. What is the nature of the right to the enjoyment of the thing leased created by the contract of lease of things in favor of the lessee ? In what respects does his right differ from that of a usufructuary ?

2. What remedy has the lessee in the event of refusal by the lessor to deliver the thing leased : (*a*) where the thing leased is in the possession o the lessor, (*b*) where the thing leased is in possession of a third person ?

3. What is understood by "tacit renewal of a lease"? When does it take place ? Upon what is it based ? Does it give rise to a new engagement, or merely the continuation of the old ?

4. A leases a house to B. During the continuance of the lease, and by reason of a defect in construction existing at the time of the lease, but unknown to either party, the walls of the house crack, rendering the same uninhabitable, and causing serious damage to B.

What are the rights of the latter against A ? what would his rights be had the defect not existed at the time of the lease, but subsequently come

into existence, without fault on A's part? Give reasons for your answers.

5. What are the principal obligations of the lessee of a thing?

6. During the pendency of the lease of a house it is damaged by fire. The cause of the fire cannot be ascertained.

The tenant is deprived of one-third of the premises leased for a period of two months while the same are being repaired.

The damage to the property by the fire amounts to $2,000?

The lessor claims this sum from the lessee; the lessee on his part claims a deduction of $\frac{1}{3}$ of his rent for the two months above mentioned.

Is the claim of the lessor well founded?

Is the claim of the lessee well founded?

Give reasons for your answers.

7. A having leased a property to B for five years, sells the same during the first year of the lease to C? What are the rights of B against C? Are they affected by the registration or non-registration of his lease? What would they have been under the law prior to the Code?

8. What is the effect upon a contract of a lease of the expropriation for public purposes of the thing leased?

9. A, a builder, contracts with B to erect for the latter a house on land belonging to him (B). Eight years after, the house perishes by reason solely of the unfavorable nature of the soil on which it was erected. A had specially stipulated he would not be responsible for any defect in the soil? Is A liable in damages to B? Would he be so liable if the building had perished by reason of faulty plans furnished by the architect employed by B, and to whose plans A was by his contract bound to conform?

Give the reasons of your answers in both cases.

10. Is a contract for the rendering of personal services made for the life-time of the lessor binding? Is it so if made for the life-time of the lessee? In either case give the reason for your answer?

NOTARIAL PRACTICE AND CONVEYANCING.

SATURDAY, APRIL 22ND :—AFTERNOON.

Examiner, ...PROF. W. DE M. MARLER.

1. Give examples of rights which a person may have possessed, which do not form part of his succession? Does a succession ever include property of which the deceased is no longer the owner?

2. Can a succession be testamentary and abintestate at the same time?

3. What is the Inventory? What are its principal uses? and in general terms when is an Inventory required to be made?

4. Into what parts is an Inventory divided and describe them?

5. A person who is common as to property with his wife leaves five children, of whom two are minors as his heirs-at-law. His wife survives him. By whom would the Inventory be made and in whose presence?

6. What delays, if any, are granted to make the Inventory in cases of tutors, usufruct, substitution, Testamentary executors and to close a community dissolved by death, and what penalties are imposed for failure?

7. In the case of Testamentary executors when is an Inventory not required?

8. In question five, a Bank deposit is an asset of the community. Who would be entitled to receive it, and what would be necessary to obtain it?

9. Describe the declaration of transmission of immoveables required for registration purposes in cases of (*a*) intestate successions. (*b*) Testamentary succession.

10. A succession has been administered by executors who have had the seizing of the moveable and immoveable property for several years. Sketch the deed of partitions.

11. Distinguish between partitions judicially made and compulsory partitions.

12. What is the object of returns in matters of succession? State the general principle as to what property is subject to return, and the distinction between moveable and immoveable property?

TRADE-MARKS AND DESIGNS, AND PATENTS.

FRIDAY, APRIL 21ST:—AFTERNOON, 4 TO 6.

Examiner, ... PROF. ABBOTT, Q.C.

1. What is a Trade-mark? Give essential elements, and distinguish between the right of property in Trade-Marks, Copyright and Patents.

2. State the general principle governing the use of names and words as Trade-marks.

3. Define a "false trade-description."

4. In what cases may registration of a Trade-Mark be refused?

5. State briefly the general rules to be followed in deciding what would constitute an infringement of a Trade-Mark; and remedies civil and criminal.

6. Define "Letters Patent of Invention;" and state briefly the origin and sources of the law governing them.

7. State shortly what would and what would not be patentable.

8. What are the essentials of the specification and claim required from the applicant for a Patent?

9. In what cases may Commissioner object to issue a Patent? Particularize as to prior publication and user.

10. On what grounds may a Patent be forfeited or revoked?

11. What constitutes an infringement of a Patent? State briefly the general principles upon which question is to be decided.

PRESCRIPTION.

SATURDAY, MARCH 18TH:—3 TO 5 P.M.

Examiner,..... .... E. LAFLEUR, B.A., B.C.L.

1. (*a*) Can prescription be renounced by anticipation? (*b*) Is it lawful to stipulate in a contract that the right of action shall be barred by a shorter time than that fixed by the law for the prescription of that right? (*c*) Can a tutor, upon the advice of a family council and with the authorization of the Court, validly renounce a prescription acquired by a minor? Give reasons for your answer.

2. In what cases can the Court of its own motion supply the defence resulting from prescription?

3. Enumerate and briefly explain the various characteristics of the possession which avails for the purposes of prescription.

4. What is meant by *precarious* possession, and what is the effect of it in regard to acquisitive prescription?

5. A discounts B's note, receiving at the same time from B a number of bonds as collateral security for the payment of the note.

(*a*) If B pays the note at maturity, but neglects to obtain the return of the bonds, will A's possession of them after the extinction of the debt avail him to prescribe the ownership of the bonds

(*b*) If the note remains unpaid for more than five years after maturity, can B plead that the note is prescribed, the bonds being in A's possession all the time?

6. (*a*) Is prescription interrupted by the service of a petition for leave to plead *in forma pauperis?* By the filing of a claim with the curator to a debtor who has made a judicial abandonment? By the collocation of a creditor in the distribution of the proceeds of a sheriff's sale of immoveables? (*b*) Will a judicial demand brought against the principal debtor interrupt prescription against the surety? (*c*) Does the renunciation by a person of a prescription acquired affect the surety?

7. When does prescription of personal actions begin to run :—

(*a*) With respect to debts depending on a condition?

(*b*) With respect to actions in warranty?

(*c*) With respect to debts with a term?

8. State the period required for prescription in the following cases :—

Crown rents, municipal taxes, interest on judgments, damages resulting from offences and quasi-offences, damages for slander, actions in rescission of contracts for fraud, the acquisition of corporeal immoveables in excess of what is given by the title.

9. (*a*) What is the meaning of the expression "translatory title" as applied to prescription by subsequent purchasers?

(*b*) Is such title vitiated by the bad faith or the precarious title of the grantor?

(*c*) Is a *conditional* title available for the prescription of ten years under translatory title?

(*d*) Is a deed of partition a translatory title within the meaning of Art. 2251 C.C.?

10. Discuss briefly the question raised in *Robinson* vs. *Canadian Pacific Railway* with regard to the prescription of the action of the widow under Art. 1056 C.C. for damages occasioned by the death of her husband through the negligence of a railway company, and state the holding of the Privy Council on this point.

LAW OF EVIDENCE.

SATURDAY, MARCH 25TH.

Examiner,..... ....PROFESSOR ARCHIBALD

1. What is an authentic instrument? What is its effect? How may it be contradicted?

2. How can you obtain copies, making *prima facie* proof, of a will executed out of the Province of Quebec?

3. What persons are incompetent to give testimony?

4. In what cases can proof be made by testimony ?

5. A sells to B in the presence of witnesses 20 casks of sugar, upon a sample of one-half pound extracted from one of them. This sample B takes away with him. Afterwards B refuses to accept the sugar. Can the contract be proved by parole testimony ? Give your reasons.

6. In what cases and under what circumstances are leading questions admissible ?

7. State the circumstances under which and the methods by which a witness may be discredited.

8. State summarily the different bases of the Dominion Electoral Franchise.

Faculty of Law.

FACULTY OF LAW.

ROMAN LAW.

TUESDAY, 17TH DECEMBER, 1895, 3 P.M.

Examiner, ... N. W. TRENHOLME, Q.C., DEAN.

1. Define Res, and give the classifications and divisions of Res in the Institutes.

2. Singulorum autem hominum multis modis res fiunt. Mention and classify these modes, with special notice of Occupatio and Accessio

3. Venditae vero res et traditae, non alitur emptori acquiruntur, quam si is venditori pretium solverit, vel alio modo ei satisfecerit, veluti expromissore aut pignore dato: quod quanquam cavetur ex lege duodecim tabularum, tamen recte dicitur et jure gentium, id est, jure naturali, id effici; sid si is qui vendidit fidem emptoris sequtuus fuerit, dicendum est statim rem emptoris fieri.

Give some account historically of the principles of this paragraph.

4. Give some account of Possessio, and the principal rights and remedies of the possessor in Roman Law and in our law.

5. Mention the principal Jura in Re.

6. Give some account of Usufruct and Emphyteusis, and of the rights and obligations of the Usufructuary.

7. What does the first book of the Institutes deal with? and give some account of the Institutions dealt with in it.

8. Classify persons in Roman Law from the point of view of Libertas, Civitas and Familia.

9. Give the different kinds of Tutorship in Roman Law, and explain their object, and the principal duties and obligations of the Tutor.

Explain the maxim, Tutor persone datur; Curator rei.

10. What was Curatorship in Roman Law, and what its different kinds? What kinds exist in our law?

11. Explain :—Adoptio ; Arrogatio; Legitimatio; Capitis Diminutio; Justae Nuptiae ; Matrimonium ; Concubinatus ; Contuburnium ; Peculia.

12. Translate :—Sed hoc tempore nullis hominibus, qui sub imperio nostro sunt, licet, sine causa legibus cognita, in servos suos (supra modum) saevire. Nam, ex constitutione divi Antonini, qui sine causa servum suum occiderit, non minus puniri jubetur, qaum si alienum servum occiderit. Sed et major asperitas dominorum ejusdem principis constitutione, coercetur ; nam (Antoninus) consultus a quibusdam praesidibus Provinciarum de his servis qui ad aedem sacram vel ad statuam principum confugiunt, praecipit, ut si intolerabilis videatur saevitia dominorum, cogantur servos suos bonis conditionibus vendere ut pretium dominis daretur; et recte ; expedit enim Reipublicae, ne sua re quis male utatur.

OBLIGATIONS

SATURDAY, 21ST OCTOBER, 1895, 3 TO 6 P.M.

Examiner,..... .....N. W. TRENHOLME, D C.L., DEAN.

1. Write briefly on law, its sources, divisions and subject matter.

2. Describe in historic order and classify the different kinds of contracts in Roman Law.

3. Discuss pignus and the growth of the law of security on property.

4. Give the different kinds of deposit and the leading rules on each.

5 Give the different causes of obligations and the essentials of a valid obligation and of a valid contract.

6. What are the principal vices in contracts, and when and by whom may they be invoked ?

7. What remedies have creditors against acts of their debtors, and when and how may they be exercised ?

8. Give the leading rules as to defaults and damages in our law, noting the effect of fraud.

9. Give the leading rules and distinctions as to obligations from torts, and as to the responsibility and recourse of others than the wrong-doer.

10. Discuss *translatio actionis* in torts.

11. Give some account of the different kinds of suretyship in Roman Law, and of the *beneficia* of sureties.

12. Explain: actio stricti juris; actio directa; actio contraria; nexi; stipulatio de dolo; noxæ deditio; obligatio naturalis; condictio indebiti; læsio, edictum, nautæ caupones, etc.; actio serviana and quasi serviana.

LAW OF REAL ESTATE.

SATURDAY, 14TH MARCH, 1896:—3 TO 5 P.M.

Examiner,.....PROFESSOR WURTELE, D.C.L.

1. In 1759 what tenures existed in the Province of Quebec?

2. Describe shortly the nature of the tenures under which lands were then held.

3. What tenure was subsequently introduced?

4. Describe shortly this last tenure.

5. What provisions respecting the granting of lands are contained in the Quebec Act, 1774, and in the Constitutional Act, 1791?

6. When and how was the question of what system of laws applied to township lands settled?

7. When and how was the seigniorial tenure abolished?

8. Under what tenure are lands now held in the Crown Seigniories? And what modifications in the obligations of their holders have been made?

9. What law governs lands in Indian Reserves?

10. How is real estate classified as to its relations with those to whom it belongs?

COMMERCIAL LAW.

JOINT STOCK COMPANIES AND CORPORATIONS.

MONDAY, DECEMBER 16TH, 1895.

Examiner,.....PROF. DAVIDSON, Q.C., M.A., D.C.L.

1. Where resides the power of creating a corporation, and how is such power exercised in the Dominion of Canada as to the formation of Joint Stock Companies?

2. What are the peculiar properties or characteristics of the Corporation proper, and how far are they possessed by an incorporated Joint Stock Company?

3. Explain the meaning of the terms "body politic and corporate" as applied to a Joint Stock Company.

4. What is the relationship existing between the State and the Company incorporated by it, and the Company and its shareholders? Explain fully.

5. Explain the terms "Capital," "Shares," "Shareholder," "Preferential Capital," "Preferential Shares," "Provisional Directors."

6. It is proposed to form a Company with a capital of $750,000, for the purpose of carrying on within the Dominion the business of manufacturing and selling paper; detail concisely, but fully, the steps necessary to be taken to carry such proposal into effect.

7. How may a person become a shareholder in such Company; what are his rights and obligations as well towards it, as to his co-shareholders and third parties, and how can he escape liability?

8. What is the position of the above Company in the Province of Quebec as to carrying on business there, and holding and dealing in real estate? and refer to decided cases bearing on this question.

9. Explain the terms "nominal" and "paid up" capital, and state how the one may be changed into the other, and the effect, if any, as to the credit of the Company.

10. Explain what is meant by the "corporate powers" of an incorporated Company; how determined; to what extending, and how limited.

11. How are the affairs of a Joint Stock Company administered, and what is the position of the parties relatively to the Company, and what are their chief powers? What is necessary to effective and legal action on their part?

12. State the means of dissolution of a Corporation under the Civil Code, and the application of each to a Joint Stock Company.

13. What is the effect upon the Company of a petition to the Court under the Winding up Act, for the "winding up" of the Company, and what is the position of the liquidator when appointed?

14. How far do the Winding up Act of the Dominion and Amendments thereto, apply to foreign companies doing business in Canada, and having assets here? and refer to and explain the following cases: Allen & Hanson; the Quebec Bank *vs.* Bryant & Powis intervening.

CRIMINAL LAW—(Partial Course).

SATURDAY, 28TH MARCH, 1896:—3 TO 5 P.M.

Examiner,..... .. ..L. H. DAVIDSON, Q.C., D.C.L.

1. What is a crime? What are its essential elements? Explain each briefly. Distinguish between a crime and a civil injury or wrong.

2. Define the term "Punishment" in connection with crimes, and state what considerations should be taken into account in determining the same.

3. What were the principal divisions of Crimes and Offences before the Code? Explain each, and show how dealt with under the Criminal Code of Canada.

4. How were participants in Crimes formerly classified? Explain the distinction and state what differences if any have been made by the Code.

5. Upon what grounds may a person committing an indictable offence be protected from punishment?

6. Define and distinguish between (*a*) culpable and non culpable homicide, (*b*) murder and manslaughter, (*c*) justifiable and excusable Homicide.

7. Give definition of an unlawful assembly, and distinguish between a *Riot* and an *Affray*.

8. Explain the terms Misprision, Misprision of Felony.

9. Distinguish between the indictable offences of Perjury, Subornation of Perjury, False Oaths and Fabricating Evidence, and state under which general division of Indictable Offences they fall.

10. What changes if any have been made by the Code in the law relating to Perjury, and support by reasons.

11. Give the chief ingredients of the crime of Piracy, and explain what is meant by the "Law of Nations" in this connection.

12. What is the essence of the offence a "Blasphemous Libel"? State the reasons assignable for its cognizance by Secular Courts.

13. Distinguish between the indictable offences Escape and Rescue; Prison Breach and Escape.

EVIDENCE—(PARTIAL COURSE).

SATURDAY, 18TH APRIL, 1896:—3 TO 5 P.M.

Examiner, ...PROF. DAVIDSON, D.C.L., Q.C.

1. Distinguish between "Evidence" and "Proof," and between "Direct" and "Presumptive" evidence.

2. State the general principle as to Competency of witnesses, and the leading exceptions thereto; and explain briefly each of the latter.

3. Explain shortly the distinction between Primary or Best evidence and Secondary evidence; and show when the latter is admissible.

4. Distinguish between an Authentic and Private Writing, and explain the force of each as proof. Give the principal classes of Authentic writings referred to in the Code.

5. Distinguish between "Admissions" and "Confessions;" and between Presumptions *juris, et juris et de jure;* both as to character and effect.

6. Explain the different ways under the Code and Code of Civil Procedure by which the testimony of a Party to a suit may be had, and the effect in each case.

7. In what cases may proof be made by testimony under the Code and what limitations if any are there?

8. State the principal cases of Exclusion of evidence on grounds of Public Policy.

CONSTITUTIONAL LAW.

SATURDAY, 7TH MARCH, 1896:—3 TO 5 P.M.

Examiner, ... PROF. ARCH MCGOUN, M.A., B.C.L.

1. In respect to fundamental laws, state the difference between countries that have a written constitution and countries that have not.

2. Explain the doctrine of the Sovereignty of Parliament.

3. How does the British constitution differ from an absolute monarchy on the one hand, and from a pure democracy on the other?

4. Who is responsible to Parliament for the exercise of the Royal Prerogative, and mention one or two powers exercised in virtue thereof.

5. Show the connection in the British Constitution between the Executive and the Legislative functions of Government.

6. What is given as the date of the origin of the House of Commons; and what is the nature of the mandate from the electors to the members of the House of Commons?

7. Explain the effect on the composition of the Upper House, of its members being nominated by the Crown or Cabinet.

8. In what respect chiefly does the Federal Constitution of Canada differ from the Federal Constitution of the United States?

9. What was decided in the case of the Bank of Toronto *v.* Lamb, with respect to provincial powers of taxation?

10. What was the holding of the Judicial Committee of the Privy Council in the Barrett case, and what in the Brophy case, under the Educational clauses of the Manitoba (Constitutional) Act of 1870?

BIBLIOGRAPHY OF THE LAW OF LOWER CANADA.

THURSDAY, 24TH OCTOBER, 1895:—4 TO 6 P.M.

Examiner,..... .....ARCH. MCGOUN, M.A., B.C.L.

1. What branch of the law forms the subject of the Civil Ordinance of 1667? Name the author of a commentary upon it. State its relation to our present law.

2. Whose work on the Custom of Paris is used in large and small forms? Name any great commentator upon the Custom.

3. What early system of Roman law was introduced into the Frankish territories before Justinian? Name at least one early commentator on Roman law in France.

4. Give a brief account of Pothier's works, stating what custom formed the base of his commentary, and explain the special importance of his work in its bearing upon our law.

5. State the part taken in preparation for the Code Napoléon by Cambacères.

6. What branches of law in Lower Canada are derived from the laws of England?

7. Distinguish between Ordinances and Statutes in our modern law. Name the periods during which the laws were termed Ordinances.

8. Mention the periods of Sir Matthew Hale, Sir Edward Coke and Sir William Blackstone.

9. In what manner did Lord Mansfield proceed to build up the system of English mercantile law?

10. What drafts of criminal law were prepared by Sir James Fitzjames (Lord Justice) Stephens?

11. Mention two authors on the Law of Bills and Notes.

12. Mention a work by an English writer on the Law of the Constitution; also a work on the British North America Act or on the Federal Constitution of Canada.

13. Name any four series of Reports of cases decided by Courts having jurisdiction in this province.

14. Of what leading work is Demolombe the author, and by whom has his work been continued?

15. Mention recent editions of the Civil Code of Lower Canada, of the Code of Civil Procedure and of the Municipal Code.

CIVIL LAW. (Prescription.)

SATURDAY, DECEMBER 14th:—AFTERNOON, 2 TO 4.

Examiner,..... PROF. FORTIN.

1. What is prescription? How many kinds are there? What is the essential condition of each?

2. What is the effect of renunciation to prescription:

(*a*) Made by anticipation?

(*b*) Made for the time elapsed?

(*c*) To prescription acquired? Who can renounce prescription acquired and who cannot?

3. What law governs prescription with regard to immoveables? As to moveables and personal actions?

4. What is possession? How is it acquired? How is it retained and how is it lost?

Describe the different characters possession must have in order to avail for prescription.

5. What is precarious possession? What is the effect of precarious possession?

Quid as to the successors by universal title of a precarious possessor?

6. What is interversion of title? How is it effected? What is its effect as to prescription?

7. *Quid* as to purchasers in good faith from precarious possessors?

8. What is the meaning and effects of the rule that no one can prescribe against his title? *Quid* as to negative prescription?

9. How is prescription interrupted:

1. Naturally?
2. Civilly?

MUNICIPAL LAW.

THURSDAY, APRIL 2ND, 1896:—AFTERNOON, 3 TO 5.

Examiner, ... PROF. FORTIN.

1. What is a municipal corporation? How many kinds are there?

2. What are the members of a municipal corporation? By whom are the affairs of a municipal corporation administered?

3. What persons compose a county council? A local council?

4. How are the members of a local council appointed? What is a municipal elector?

5. Describe the proceedings of a municipal election from the opening of the meeting to the holding of a poll, when such poll is necessary.

6. Who can contest the election of a councillor on the ground of violence, corruption, fraud or incapacity, or for non-observance of the necessary formalities? The election of a mayor upon the same grounds?

7. How is the contestation made? By what tribunal is it decided? What grounds of defence can be urged against the candidate for whom the seat is claimed?

8. *Quid* if a councillor resigns before the decision of the contestation? How is his successor appointed? Within what delay?

REGISTRATION OF REAL RIGHTS.

Examiner,.....PROF. MARLER.

1. What real rights are exempt from the formality of registration?

2. What is the Effect of a delay given for registration.
To what real rights are such delays granted, and their extent?

3. Explain fully the nature and extent of the vendor's privilege?

4. What are the Essentials of a conventional Hypothec?

5. By deed of sale dated 31 January, 1896, A sells to B an immoveable for $1,000. The deed is registered 15 February. C registers 14 February, 1896, a Hypothec granted by A on 20 December, 1895.

(*a*) State B's position. (*b*) If he had not paid the price, would it have made any difference?

6. By deed dated 31 December, 1895, A sells an immoveable to B for $3,000, whereof $1,000 are paid cash, leaving $2,000 due A. The deed is registered 15 February, 1896. A Hypothec granted by B on same property in favor of C is registered 1st February, 1896.

(*a*) How do A and C rank?

(*b*) How could a different result have been obtained?

7. A Hypothec is granted by A for $1,000 in favour of B on property at Longueuil by deed dated January 2nd, 1896, and for $1,200 in favour of C. on same property by deed dated January 15, 1896. They are sent to the registry office by post and arrive by the same mail.

How do these hypothecs rank?

8. A, a bachelor, dies in Montreal, leaving nothing but immoveable property there. His father and mother are dead. His heirs-at-law are his three brothers. They sell the property in question within three months of the decease.

a What formalities are necessary to complete the heir's title?

b How would you establish their heirship?

c Is the title they give to the purchaser good?

d What privileged claims might affect the property?

e If A were married in community with his wife and she survived him, what difference would this make in your answers to *a* and *c*.

CIVIL LAW. (Lease and Hire.)

SATURDAY, 21ST MARCH, 1896 :— 3 TO 5 P.M.

Examiner,.....PROFESSOR DOHERTY, D.C.L.

1. What are the essentials of the contract of lease of things ?

2. What are the obligations of the lessor which result from the nature of the contract?

3. A. leases to B. a portion of a building to be used as a photographer's studio. During the term of the lease the proprietor of the adjoining land erects thereon a building, which so darkens the leased premises as to render them unsuitable for B's business.

What recourse, if any, has B against A ? What recourse would he have if, in the supposed case, A had himself erected the building on the land adjoining the leased premises ?

Give reasons for your answers.

4. A, owner of two adjoining houses, leases one of them to B. During the continuance of the lease, both houses are destroyed by a fire originating in the house leased to and occupied by B.

A alleges that the fire is attributable to B's fault, and claims from him the value of both houses. Upon whom rests the burden of proving the existence or non-existence of the fault alleged ?

Give reason for your answer.

5. The lessee of a house assigns his lease. What rights does the assignee acquire against the lessor, and what rights may the latter enforce against such assignee?

The lessee of a house sub-lets the premises leased. What are the rights of the principal lessor against the sub-tenant ? What rights may the sub-tenant enforce against the principal lessor ?

6. What distinction do you make between the rights of the assignee of a lease against the assignor, and the rights of a sub-tenant against his lessor, the principal tenant ?

7. What is the effect upon the rights of the lessee of the sale of the property leased, during the continuance of the lease :

(*a*) By the lessor ?

(*b*) By judicial sale upon the lessor, at the instance of his creditors ?

How are the lessee's rights affected by the lessor's ceasing to be owner of the property leased during the continuance of the lease, by the fulfillment of a resolutory condition ?

8. A, a contractor, claims from B, for whom he has erected upon the latter's land a building by contract upon a plan and specifications at a fixed price, a certain sum for extra work ;—how must he establish this claim ? C, a sub-contractor, claims for the same extra work from A ;—how must C establish his claim ?

9. In a contract of lease or hire of personal services, where no term is fixed by express stipulation, how is the duration of the contract determined, and how may the contract be terminated ?

10. In contracts for the manufacture of a particular article, at whose risk is the article while in process of manufacture ?

PATENTS, TRADE MARKS, ETC.

MONDAY, 20TH APRIL, 1896 :—AFTERNOON, 4 TO 6.

Examiner,.....PROFESSOR ABBOTT, Q.C.

1. Define the right of property in (*a*) Patents of Invention, (*b*) Trade Marks, (*c*) Copyright.

2. Who is entitled to obtain Letters Patent of Invention, and what would and would not be the subject matter of a valid Patent ?

3. State the origin of the right ; and briefly trace its development under statutory enactments and jurisprudence.

4. State the procedure to be followed by an applicant for a Patent, specially as to the essential requirements of the Act.

5. What combinations would be patentable and what would not ?

6. In what cases may an inventor lose the right to obtain a Patent or the benefit of it after issue ?

7. Define Trade Marks ; and give the principles governing their validity.

8. In what cases may geographical names and names of persons be used ?

9. State the essential provisions of the Act as to (*a*) registration, (*b*) refusal of registration, (*c*) jurisdiction of the Exchequer Court.

10. State briefly what would constitute valid and inoperative defences to an action for infringement of Trade Mark.

INTERNATIONAL LAW.

SATURDAY, 15TH FEBRUARY, 1896:—3 TO 6 P.M.

Examiner, ... PROF. E. LAFLEUR.

1. Distinguish clearly between Public and Private International Law.

2. Explain and illustrate the principles upon which neutral States should act in recognizing (*a*) the independence, and (*b*) the belligerent rights, of a revolted colony.

3. To what persons and within what limits is the principle of exterritoriality applied?

4. What is the effect of the outbreak of war upon:—

(*a*) The private property of resident and non-resident subjects of the hostile State found by a belligerent within its landed territory.

(*b*) Hostile private property coming within the jurisdiction of such belligerent after the outbreak of the war.

(*c*) Hostile private property within the territory of a neutral, or on the high seas under the neutral flag.

(*d*) The private property of subjects of a hostile State on the high seas under the hostile flag.

(*e*) The private property of subjects of a hostile State found in the landed territory of such State by an invading belligerent.

(*f*) The national property of a hostile State in invaded territory.

5. Enumerate the rules of blockade, distinguishing between the continental and the Anglo-American practice.

6. Give an outline of the controversy in regard to the right of belligerent search of convoyed ships. Can the right of search ever be exercised in time of peace?

7. Define domicile, and state how independent persons may acquire a domicile of choice.

8. A French subject domiciled in New York marries in Montreal an English lady domiciled there. No ante-nuptial contract is made. After the marriage the consorts live in New York for five years, and then remove their domicile to Montreal, where the husband dies, leaving moveable and immoveable property in this Province. In an action brought before our Courts:

(*a*) What law would govern as to the formal validity of the marriage and as to the capacity of the parties?

(*b*) Could the wife claim community of property as to moveable or immoveable property in this Province?

(*c*) Could she claim dower on immoveables situated in this Province?

(*d*) Would the same rules be adopted for the solution of the above questions if they were litigated in France?

9. How is foreign law proved before our Courts? What is the presumption as to foreign law alleged but not proved by a party?

10. A domiciled New Yorker makes a will in France in the presence of witnesses according to the forms required by the laws of his domicile, but not in any of the forms prescribed by the French code.

Would the will be held to be valid :—

(*a*) By the French courts?

(*b*) By the courts of the State of New York?

(*c*) By the courts of this Province?

11. Explain the difference between the French and the English doctrine as to the formation of contracts by correspondence. What rule has been adopted by our courts?

12. Are foreign judgments conclusive or examinable upon proceedings taken to enforce them:—

(*a*) In English Courts?

(*b*) In French Courts?

(*c*) In the Courts of this Province?

SATURDAY, FEBRUARY 1ST, 1896:—4 TO 6 P.M.

FIRST YEAR.

HISTORY OF ROMAN LAW.

Examiner,.....PERCY C. RYAN, B.C.L.

1. Show the relationship between primitive custom and modern law.

2. What was the position of women in the Roman law? State the different forms of marriage, and their effects.

3. What was the significance of the pretorship? In what manner did the pretors contribute to the law?

4. Describe the Twelve Tables. Name other primitive codes.

5. What was the golden age of the Roman law? What jurisconsults flourished during it?

6. State the subjects treated in the First Book of Justinian's Institutes.

7. Give the provisions of the Licinian Rogations and of the Lex Sempronia.

8. What is the oldest form of the Roman Will? Compare it with the modern conception of a will.

CIVIL PROCEDURE.

SECOND YEAR.

SATURDAY, MARCH 11TH, 1896.

Examiner,.....PERCY C. RYAN, B.C.L.

1. Distinguish between Capias and coercive imprisonment (*contrainte par corps*).

2. State the cases in which Capias lies. Draft the affidavit requisite for any one of them.

3. Are septuagenarians liable to Capias? If so, in what cases?

4. Describe the effect of Capias maintained.

5. State fully the cases in which Mandamus lies, and the procedure to obtain it.

6. What proceedings follow upon judgment declaring a corporation to be dissolved?

7. What are the remedies appropriate to:

(*a*) Recover possession of moveables leased;

(*b*) Restrain a corporation from exercising any power not belonging to it;

(*c*) Prevent the judge of an inferior court from hearing a case in which he is interested?

CIVIL PROCEDURE.

First Year.

Saturday, March 11th, 1896.

Examiner, ... Percy C. Ryan, B.C.L.

1. What provision as to the administration of justice in civil matters is contained in "*The British North America Act*, 1867"?

2. Name the different courts exercising civil jurisdiction in the Province, and state briefly the jurisdiction of each.

3. By what parties are actions instituted on behalf of the following persons: unemancipated minors, emancipated minors, persons provided with judicial advisers, married women, persons interdicted for prodigality, persons interdicted for insanity?

4. Draft the declaration in an action for five thousand dollars damages taken under the following circumstances: A.B., while in the employ of C.D., suffers the loss of an arm owing to the negligence of a fellow-employee and the defective state of a machine.

5. What are grounds for dilatory exception? Can any of them be pleaded otherwise?

6. Describe how contestation upon the merits of an action is proceeded with.

7. When and how can Incidental Demands be made:

(*a*) by the plaintiff;
(*b*) by the defendant?

CIVIL LAW (Suretyship and Pledge).

Wednesday, 22nd April, 1896 :—4 to 6 p.m.

Professor, ... C. A. Geoffrion, Q.C.

Examiner, ... Aime Geoffrion, Lecturer.

1. Define suretyship and pledge; indicate and explain briefly the principal analogies and differences between those two contracts.

2. Explain briefly the consequences resulting from the fact that suretyship is an accessory contract.

3. Define the special pleas or benefits that the surety can oppose to the demand of the creditors. What kind of pleas are they? In what cases and under what conditions can they be raised?

4. Explain the difference between the two recourses that the surety who has paid has against the principal debtor. Can either of them be more advantageous, according to circumstances? Give reasons and examples.

5. When and under what conditions can a surety claim his discharge because he can no longer be subrogated in the rights, hypothecs and privileges of the creditor? Can that discharge be only partial? If so, when?

6. A. has a claim against B. for which C. is surety. It being due and unpaid by B., A. sues C. who pays him. C. does not notify B. of such payment. A. then applies to B., who, being ignorant of the payment by C., pays a second time. C. later sues B. to be reimbursed. B. pleads that he has paid a second time through his fault in not notifying him of the first payment. C. then sues A., claiming back what he has paid. A. pleads that when C. paid, the debt was due, the only one who can recover from him being B. who paid after the debt was extinct. Give your opinion on those pleas.

7. A party is sued as surety of another. He begins by demanding the discussion of the principal debtor. After the discussion has been made, and the proceeds thereof have proved insufficient to pay the debt, he is called upon by the creditor to plead to the merits of the action for the unpaid balance of the debt. He pleads that he was a conditional surety only, and that the condition has failed. He can prove that plea. Is it good?

8. What is the difference between the "lien" or "droit de retention" and the right of preference of the pledgee on the thing pledged? Against whom does each of these rights take effect?

9. What does the law mean by saying that the pledge is indivisible, although the debt is divisible? Give the reason of the rule, and a case where it would apply.

10. A., on the 1st of April, lends $1,000 to B., payable on the 1st of June. B. gives him in pledge for that debt certain bank shares. Later, on the 10th of April, A. lends to B. $500,—payable also on the 1st of June. On the 10th of June neither of the debts were paid. B. wants to get his shares. What must he pay?