

C 35906

Law School

MAY EXAMINATIONS: 1897.

THIRD YEAR.

EVIDENCE.

HONOURS.

Examiner: HERBERT L. DUNN, B.A.

1. In what two senses is the phrase "burden of proof" used as applied to judicial proceedings, and upon whom, in each case, does the burden of proof rest? Explain fully.
2. In the comparison of hand-writing under our statutes, may fictitious specimens of hand-writing be submitted to a witness on cross-examination in order to impeach his testimony? Discuss this question, and point out any apparent defect in the provisions of our statutes on the subject, and how a similar defect in the English statutes was sought to be remedied.
3. State and exemplify the rule as to presumptions in favor of the immutability, or continuance, for a longer or shorter period, of human affairs.
4. In what cases are similar facts, when indirectly relevant to the main fact, receivable in evidence?
5. How may the general presumption of innocence be overthrown and the presumption of guilt raised? Illustrate by examples statutory and otherwise.
6. When is evidence tending to shew that an accused person has been guilty of criminal acts, other than those covered by the indictment, admissible? Mention any decided cases bearing on the subject.
7. State the rules as to the right to reply:—1st., Where a party's opponent calls witnesses; 2nd., Where he does not.
8. The question is whether A. and B. conspired together to cause certain imported goods to be passed through the custom house on payment of too small an amount of duty. Discuss the relevancy of the following facts:—
 - (a) The fact that A. made in a book a false entry necessary to be made in that book in order to carry out the fraud.
 - (b) The fact that A. made an entry on the counterfoil of his cheque book shewing that he had shared the proceeds of the fraud with B.
9. Can the deposition of a witness, originally taken down in the absence of the accused, be read against him (the accused) under the Code, on proof that it had afterwards been read over in the presence of the accused to the witness who assented on oath to its correctness? Explain fully, giving reasons for answer.

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