

C 35905

Law School.

MAY EXAMINATIONS: 1897.

THIRD YEAR.

EVIDENCE.

PASS.

Examiner: HERBERT L. DUNN, B.A.

1. "There are no degrees of secondary evidence." Explain fully the meaning and limitations of this rule, and state upon what principle it is founded.

2. Explain fully and illustrate in what respects disputable presumptions of law differ from mere presumptions of fact.

3. What is the privilege of a witness with regard to questions seeking disclosure of the sources of information for the detection of crime? State (a) the scope of the rule; (b) the principle upon which it is founded; (c) the exceptions to the rule; and (d) any leading case on the point in our own courts.

4. When is proof of custom or usage admissible?

(b) How is a custom proved, and by what sort of evidence may evidence in its favour be met?

(c) When may custom be noticed without evidence?

5. State the generally accepted rules as to the right to begin in the sense of opening the case to the jury.

(b) In suits respecting wills, when does the party propounding the will begin, and when not?

(c) If a codicil inconsistent with the will in question be pleaded by one party and impeached by the other, who begins?

6. On an indictment for murder where a *prima facie* case has been established against the accused, who sets up the defence of insanity, by what evidence must such defence be supported? Explain, and state the provision of the Criminal Code which is applicable.

7. Define estoppel as part of the law of evidence, and state upon what principles the doctrine is founded, and why it is strictly guarded.

(b) Explain fully and illustrate what is meant by a tenant being estopped from denying his landlord's title.

(c) What facts is a tenant not estopped from giving in evidence in his defence with respect to his landlord's title.

8. Under what circumstances is the evidence of a witness examined at a trial receivable at a subsequent trial?

9. "Heresay is not evidence—an expression inaccurate in every way." Discuss this statement.

10. In what classes of cases may evidence of similar facts be received in proof of the main fact?

11. "Few subjects are more liable to be misunderstood than character evidence." Discuss this statement.

12. In what cases is evidence of complaints recently made by an injured party, though not part of the main transaction, relevant to prove ill-usage in favour of the party complaining?

(b) Are particulars of the complaint admissible in the case of rape? Explain, and mention any recent decision on the point.

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