5. Distinguish between *privilege* and *incompetency* of witnesses, giving examples of each, arising out of the relation of husband and wife.

6. In how far is evidence of the so called second wife admissible in bigamy cases?

7. How is the question of admissibility of the evidence of a witness objected to on the ground of lunacy usually determined?

8. What are the facts relied on for the purpose of deciding whether or not an infant of tender years is admissible as a witness? Trace briefly the history of the changes in our law in this respect.

9. In how far is a solicitor privileged from giving evidence in regard to confidential communications between his client and himself.

10. State briefly the chief facts on which the credibility of a witness depends.

11. In how far may the credibility of a witness be attacked by the party calling him?

12. Discuss fully the question as to whether a defendant may be convicted of perjury on the evidence of one witness.

13. What methods, statutory or otherwise, are provided for enforcing the attendance of witnesses in criminal cases?

14. Give exceptions to the rule that counsel is not allowed to put leading questions to a witness called by himself.

15. Give cases in which burden of proof is on the defendant in criminal cases.

CORRESPONDENCE.

Precedents.

To the Editor of CANADA LAW JOURNAL.

SIR,—Among the recent decisions noticed by you in your number for August is the judgment of the Queen's Bench in *McEdwards* v. *McLean*, in which it was held that the Insolvent Act does not take away the landlord's right to distrain for rent. The opposite was decided by Mr. Justice Gwynne after an exhaustive review of the law in *Munro* v. *Commercial Building and Savings Society*, 36 Q. B., U. C. 464. This decision is not even referred to in the judgment of the Court in *McEdwards* v. *McLean*, and it is fair to assume that the Court would have felt bound to follow it had their attention been directed to the report, especially as Mr. Justice Armour appears to have been keenly alive to the injustice that must result from the law as he lays it down, the blame for which he considers attaches to the Legislature. It is most unfortunate that there should be this conflict of judicial authority on so important a point.

Again, in reporting *Ontario Bank* v. *Wilcox*, you give the same Court credit for deciding "(3) a chattel mortgage valid between the parties at common law is valid against Assignee in insolvency." In *Re Andrews*, 2 Appeal Reports, 24, the Court of Appeal (Patterson, J. A., and Moss, C. J.) decided, after a review of the cases, that "under section 39 of the Insolvent Act of 1875, the Assignee represents the creditor for the purpose of avoiding a mortgage for want of compliance with the Chattel Mortgage Act." Does the Court below refuse to follow this decision, or was it overlooked by the eminent counsel who argued the case? Does the Court of Queen's Bench wish it understood that it is not governed by that "slavish adherence to precedent" for which Courts are so often blamed? If so it would be well to bear in mind that if there is anything worse than a bad law it is an un certain one.

Yours &c.,

W.

Toronto, August, 1878.

REVIEWS.

SHORT STUDIES OF GREAT LAWYERS. By Irving Browne. Published by the Albany *Law Journal*—Weed, Parsons & Co., Albany, U. S.

A reviewer hardly knows after reading the preface why this little book is sent for review. The author very cleverly anticipates many things we might probably