

EXAMINATION QUESTIONS.

(Selected from those set for admission to the Illinois Bar.)

Statutory and Constitutional Law.

1. What is the meaning of the term habeas corpus? What do you know about it?
2. What is the difference between an *ex post facto* law and a retroactive law? Is either valid?
3. What is the leading rule of construction of penal statutes? Of remedial statutes? Of statutes in general changing the common law rule on the subject to which they relate?
4. Distinguish between the legislative powers of Congress and the various States, on the one hand, and the Dominion and Provincial Parliaments on the other.

Criminal Law.

1. What is crime? What is the difference between a crime and a tort?
2. Define felony, misdemeanor, larceny, burglary.
3. What is the difference between murder and manslaughter?
4. How many persons constitute a grand jury? How many a petit jury?
5. What is the rule in relation to evidence necessary to convict?

Torts.

1. What are private wrongs as distinguished from public wrongs?
2. In respect to right of contribution between parties liable, how are torts distinguished from contracts?
3. What class of words are actionable without proving any particular damage to have happened?
4. When will no action lie for words, even though damages be averred and proven?
5. What remedies are given by the law for the wrongful taking of goods?
6. What is trespass as applied to real property?
7. Does an action lie for a purely accidental occurrence causing damage without the fault of the person to whom it is attributable?
8. Where several persons unite in an act which constitutes a wrong to another, under circumstances which fairly charge them with intending the consequences which follow, is each person liable for all of the damage, or will it be apportioned among them according to the extent each may have contributed to?
9. Must they be proceeded against jointly, or may the remedy be enforced against any one or more of them?
10. Where two or more persons are engaged in an unlawful undertaking, in the prosecution of which one unintentionally injures another, can an action for the injury be sustained?
11. What three circumstances must concur in order to maintain an action for malicious prosecution?

12. Does an injury to a wife give a husband a cause of action independent of the cause of action she may have, and, if so, for what?

Contracts.

1. Into what two general classes are contracts divided with reference to whether they have or have not been performed?
2. What contracts are generally sufficient without a consideration in fact?
3. Is there any difference in the consequence between a mistake in law and a mistake in fact in the performance of a contract?
4. If one, mistaking the law of the circumstances, makes a payment he is not compelled to make, can he recover the money? In your answer state your reason.
5. If he make such payment under a mistake of fact, can he recover the money? In your answer state your reason.
6. What is the distinction between a void and voidable contract? Give an instance of each.
7. What is required on the part of a person having the right and desiring to rescind a contract?
8. Under what circumstances may an agent act for both parties and under what may he not?
9. What is the effect of the death of a principal where the agency is not coupled with an interest?
10. How does it affect an agent if he contracts without disclosing his agency?
11. In such event, what other right has the other contracting party if the agency is afterward disclosed?
12. What is the power of a single partner in the conduct of the firm business as to third persons?
13. What is required from a partner upon retiring from the business in order to avoid subsequent liabilities?
14. When is a contract against public policy and what is the effect of it?
15. State generally the nature of the Statute of Frauds and its purpose.
16. Does it apply to both executed and executory contracts?
17. What is the rule for construing the language of a contract?
18. What is the effect of an unauthorized alteration of a written contract by one of the parties to it?
19. What contracts can not be altered by an oral agreement?
20. Where a note is payable in specific articles and after maturity payment is demanded, can an action be maintained to recover the amount in money?
21. What constitutes a fiduciary relation, and, when the relation exists, how does it affect the right of the party standing in such relation to another to contract with him?
22. In order to avoid a contract for fraud, what effect must it have produced?