

12. In what case is livery of seisin necessary, and what is substituted for it by the N. B. Act?

13. Is an estate to A for 99 years, if he should live so long, a freehold?

TORTS.

Time, 2 hours. A. O. EARLE, *Examiner.*

(Ten only to be answered.)

1. What is the general rule respecting the liability of a master for the torts of his servant?

2. Define negligence.

3. What is contributory negligence, name a leading case and state the facts of such case; on whom is the burden of proof?

4. What two things must concur to make an unsuccessful criminal prosecution actionable? On whom is the burden of proof of them respectively, and are they respectively determined by the Judge or the jury?

5. When is an action for Deceit maintainable? Is a merely reckless statement from which injury is sustained actionable?

6. Define: (1) Assault. (2) Battery.

7. A digs a pit on his own land, but so near the highway as to be dangerous to passengers, is he liable to one suffering damage therefrom?

8. State the facts and decision in *Heaven v. Pender*.

9. What is the principle in *Rylands v. Fletcher*?

10. What is the province of (1) the judge and (2) of the jury in actions of libel?

11. In the discussion of a public matter a specific charge of misconduct is made in a newspaper against a public man; the charge was not true, but was made in the *bona fide* belief of its truth, is it actionable?

12. Under what circumstances is a public nuisance actionable?

13. Is a freeholder using force to repossess himself of his land, liable (1) civilly, (2) criminally?