

EVIDENCE

- (I) Into what divisions is evidence usually classed? and what distinguishes the classes? *Primary vs secondary. Primary is that kind of proof which the eye of the law affords the greatest certainty of the fact in question*
- (2) Is or is not secondary evidence always of the same degree of legal value? Illustrate.
- (3) Is hearsay evidence ever admissible? and if you think it is give instances. *Admissible (1) in matters of pub. right, (2) of pedigree (3) of ancient possession (4) decess. exp. int. (5) in course of office (6) dying declarations*
- (4) In what cases and how may a party producing a witness impeach his evidence, and where is the law upon the subject to be found? *Constat*
- (5) Are will and deeds ever admissible without any proof? If so when and under what circumstances? *When more than 30 yrs old and have come from the proper custody*
- (6) Is parol evidence ever admissible either to vary or explain a written contract? If so when and to what extent? *Parol is not admissible to vary a written contract but is to explain it. Admissible to show a particular usage or custom.*
- (7) When the genuineness of handwriting is disputed when and in what manner is a comparison of the disputed handwriting with another handwriting admissible? *Comparison of disputed handwriting with any writing proved to be the hand of the maker by witnesses etc and findings and the evidence of witnesses respecting same*
- (8) What evidence is necessary to establish the creation or transfer of an incorporeal right?
- (9) Can the conveyance or transfer of land be evidence in any other way than by deed?
- (10) If it be necessary for you to prove the contents of a writing and you have not the writing under your control how can you prove it? and what would it be necessary for you to do in these several cases:
 (A) When the writing is destroyed?
 (B) When it is lost?
 (C) When it is in the hands of the other party?
 (D) When it is in the hands of a stranger?
- (II) A witness is not obliged to answer a question the answer of which will tend to criminate him; is his own statement of his belief that his answer would have that effect enough to excuse him from answering? or what more is necessary?
- (12) If you for the plaintiff had a cause and the only way of proving an essential fact was by the evidence of the wife of the defendant of something the defendant had told her how would you proceed to establish your case? And what success would you expect?
- (13) A sues B for money paid at his request to C, would a writing signed by C acknowledging the receipt of the money from A as ~~paid~~ paid for B be admissible evidence for the plaintiff? and if admitted what would be sufficient to establish the case?, the request to pay being proved or admitted.
- (14) A sued a public body; the public body had passed a resolution directing their solicitor to write a letter to plaintiff; the resolution being based upon the report of their own surveyor; the plaintiff upon the trial wished to put the surveyors report in evidence to show the grounds for passing the resolution, and to exhibit the letter; It was held that the report was not admissible; Do you think this decision was correct or not? And what principle governs it?

Cap 46 Const 11
Cap 46 producing a witness
 (4) Cannot impeach with credit by good character, but he may in law impeach in open of judge with direct proof. adverse contented him by other evidence or by leave of judge prove that he has made an other time a statement inconsistent with his present testimony but before that time a proof can be given the circumstances of the supposed statement sufficient to designate the particular occasion on which he made it to witness and he must be asked whether or not he made such statement

may be substituted to that as proof as source of possession or otherwise of the writing in dispute