

C R I M I N A L L A W .

1. State the different classes of cases in which want or defect of will may operate as a defence in a criminal prosecution.

2. What are accessories? How many kinds of accessories were there at common law? What change has been made by the criminal law? No what extent does the prosecution of an accessory depend upon the prosecution or conviction of the principal offender?

3. Define, Misdemeanor; Felony; Mischief of Felony. Has any change been made by statute in Canada as to any and which of these.

4. What is meant by "compound a felony"? Can you point out any distinction as to this crime under the common law and under the Criminal Code?

5. Upon what general principle and in what cases are dying declarations admitted in evidence? What preliminary fact must be proved in order to admit the admission of a dying declaration?

6. Define the crime of perjury; subornation of perjury; What imports and regulates are necessary to constitute the crime of perjury? Will a statement under oath by a witness that he believes a certain thing to be true support an indictment for perjury?

7. Can the same person be in any way liable to the criminal laws of two countries at the same time? If so, how?

8. Define larceny. How do you distinguish it from the crime of obtaining money or goods by false pretences? What crime is committed by a person who obtains possession of a chattel without any felonious intention and subsequently appropriates it wrongfully to his own use? Give instances.

9. (a) What does a magistrate have to determine on a preliminary examination?
(b) Distinguish as to the procedure between preliminary examination and summary conviction.

10. Define, Defamatory Libel. State how it may be expressed? How may it be published?

11. State whether the publishing of defamatory matter in the proceedings of Courts, Parliamentary papers, proceedings of Parliament, will constitute defamatory libel? and what is the test as to liability in such cases?

12. What is meant by "fair comment"? Under what circumstances, if at all does it constitute an efficient defense? Is the statement, "the Greater the truth the Greater the Libel", correct? What is the law in that respect?

Q R I M I N A L L A W (concluded).

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15. Under what circumstances may a magistrate summarily dispose of charges against (a) Children; (b) Young persons; (c) Adults; by virtue of the Summary Convictions Act?

14. Under the Canada Temperance Act, it is provided that, "no conviction judgment or order in respect of any offence against Part II of the Act shall be removed by certiorari or otherwise into any of His Majesty's Courts of Record". Can a conviction under the Act be taken up by certiorari notwithstanding this proviso? If so under what circumstances?

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16. Is there any appeal from a summary conviction? If so, state who can appeal; to what Court; and the procedure. Is there any, and what, restriction as to appeal from convictions under the Canada Temperance Act?

16. How many Grand Jurors should be summoned in this Province? How many can sit on the jury? How many are required to agree on the finding of a Bill? What is the provision in this respect in Provinces in which the number of Grand Jurors is less than in New Brunswick?

17. Give the procedure in calling and swearing the Petit Jury in criminal trials? When and how can the array be challenged, and on what grounds? What is the statutory qualification of a jurymen in this Province

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18. How and under what circumstances can the evidence of a person dangerously ill be taken, and used on the trial of a case? Is it necessary that the prisoner shall be present at such examination? If so, and he is in actual custody how can his attendance be had? How would you proceed to procure the evidence of a witness residing out of Canada?

19. What are the powers of a peace officer as to arrest without a warrant? Is a private citizen at any time, and if so, under what circumstances justified in arresting another without a warrant? What is the duty of a peace officer, as to the warrant, on executing the process? What is the effect of his failure of duty in this respect?

20. Distinguish between (a) Burglary, (b) House-breaking, (c) Larceny in a dwelling-house, and (d) Robbery. What is the legal definition of the term "night"?
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