

6. Name some classes of actions for tort in which actual damage must be proved, and others in which it need not. What is the test for determining whether damage which has occurred is or is not too remote a consequence of the defendant's act? Explain the meaning of terms used in your answer.

7. A. calls B. a liar in the street in the presence and hearing of others: explain how the question whether the words are actionable depends upon the context in which they are spoken and other circumstances.

8. Define "malicious prosecution" and "false imprisonment." What important distinction is there between them?

9. Discuss the question of the liability of a landowner for damage done by a fire lit upon his own land and extending to the property of a neighbour. To what other classes of cases is the same principle applicable? What is the leading case upon the whole of these classes of torts? In what sense can the principle applied in such cases be said to be anomalous?

10. What matters is it essential that the plaintiff should prove in an action for trespass to and conversion of chattels? Can there be conversion of chattels without trespass?

*No. 81.—Criminal Law.—For Civil Service Senior.*

*Time allowed: Three hours.*

1. Give the substance and effect of the provisions of "The Criminal Code Act, 1893," upon the questions (a) whether a man can be indicted for a crime not specified in the Code or its amendments and (b) whether defences other than those specified in the Code can be raised.

2. What are the provisions of "The Criminal Code Act, 1893," upon the subject of insanity as a defence? From what leading case are the provisions taken? What are the medical and legal views respectively in regard to responsibility in cases of "moral insanity" or "irresistible impulse"?

3. Mention some of the more general grounds upon which an act otherwise criminal may be justified or excused. What general limitation is placed upon the right to apply force to the person or property of another in cases where such a right exists?

4. (a.) A. puts his hand into B.'s pocket with the intention of stealing any money it may contain. There was, in fact, no money in the pocket.

(b.) A. goes up to a haystack and lights a match with intent to set fire to it, but blows the match out on seeing that he is watched.

(c.) A., intending to shoot B., buys a revolver for the purpose, and sets out for B.'s house to carry out his intention. On reaching B.'s gate he changes his mind and goes away again.

State, in regard to each of the above cases, whether A. has committed any offence; and, if he has, what offence. Give your reasons.

5. In a prosecution for criminal libel what defences are covered by the plea of "Not guilty" and what defence must be specially pleaded?

6. What important distinction is there between the definition of theft given in the Criminal Code and that of larceny at common law?

(a.) A. leaves a horse in B.'s possession, to depasture on B.'s land, for payment. B. knowingly includes it in a mortgage which he gives over his own stock.

(b.) B. deliberately works a horse left with him by A. upon similar terms, for the daily purposes of his farm, contrary to the express terms of his agreement with A.

State, in regard to each of the above cases, whether B. has committed a criminal offence; and, if he has, what offence. Give your reasons.

7. Subsection (2) of section 307 of "The Criminal Code Act, 1893," declares that nothing shall be a crime under Part XXXIII. of the Code, headed "Mischief," unless it is done "without legal justification or excuse" and "without colour of right": explain and illustrate these two expressions.

8. Upon what grounds and by what process in each case may a new trial be obtained in a criminal case (a) by the prosecution and (b) by the accused?

9. How is a prosecution for an offence punishable summarily commenced under "The Justices of the Peace Act, 1882"? Within what time must such a prosecution be commenced? What is the test of the sufficiency of a written conviction under that Act, when drawn up?

10. State quite generally the purpose and effect of "The Indictable Offences Summary Jurisdiction Act, 1894," and of section 6 of "The Indictable Offences Summary Jurisdiction Amendment Act, 1900."

*No. 82.—Industrial Economics.—For Civil Service Senior.*

*Time allowed: Three hours.*

1. Show how the wages earned by a particular class of labourers is connected with the supply of labourers and the demand for that kind of labour. Explain the disturbing effects of custom and of combinations amongst employers.

2. What is the probable effect upon the industries of the colony of a substantial alteration in the current rate of interest on loans? Give full reasons.

3. Discuss, with special reference to national and individual gain or loss, the effect of a compulsory shortening of the hours of employment (a) in factories, (b) in shops, (c) in mercantile offices.

4. What is "the law of diminishing return"? Discuss its application to partially settled countries.

5. What are the economic advantages and disadvantages of extensive combinations (a) amongst manufacturers by the formation of "trusts," (b) amongst employees by the formation of trade-unions and the organization of such unions under a central controlling executive?