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Law examination questions 1906-1908

University of Georgia School of Law

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Blackstone, Book II. 1906.

I. Define property. Give the incidents of property. Distinguish land and chattel. Distinguish corporeal and incorporeal hereditament.

II. What is tenure? How is the character of a tenure ascertained? By what tenure is the land of England held? Define allodium.

III. Define estate. What is a freehold? Distinguish fee simple and fee tail, give an example of each, and the language necessary to create each.

IV. Is a life estate a freehold or not? Give reason for answer.

What is dower? What is a condition? Give examples of the two kinds of condition. Give the difference if any between the following: Estate to A. and his heirs tenants of a certain manor. Estate to B. as long as she is unmarried, then to C.

V. Distinguish a remainder and a reversion. Give the three requisites of a remainder. In creating a remainder to whom is livery made. Why? Distinguish and give examples of a vested and a contingent remainder.

What is a title? By what means is title acquired and lost? Distinguish descent and purchase. An estate to A. and his heirs for one hundred years, how does the heir take? Why? What is consanguinity?

VI. Explain the canon of collateral inheritance. Give the rule for ascertaining the degree of collateral kinship. Illustrate with an example.

VII. What is a deed? What are the requisites of a deed? Distinguish feoffment, gift, grant, lease. How are they perfected?

VIII. What is a devise? Wherein does it differ from a will of chattels?

When is a deed effective and when is a will effective? Of repugnant clauses in a deed and in a will which is effective. Why?

IX. Define contract and analyse the definition. What is a gift? What is a sale? When is the sale complete? Distinguish a common law chose in action and a negotiable instrument.

X. Give the requisites of a will. Define executor, administrator whence does each derive his appointment? What is the guide of each in the discharge of his duty. Distinguish a general and special legacy. Give an example of each.

Pledge.

I pledge my honor that I have neither given nor received aid in this examination since I knew the questions constituting it.

Signature, *Sydney Hamilton Diamond.*

Answer

LAW SCHOOL UNIVERSITY OF GEORGIA

EXAMINATION IN MEDICAL JURISPRUDENCE.

NOVEMBER 21, 1906.

1. Define *Coma*, *Syncope*, *Apnoea*.
 2. Name six (6) signs of death.
 3. Define and describe Cadaveric Rigidity. What is the common name for it?
 4. Define and describe cadaveric lividity. What is the common name for it?
 5. Give difference between *ante-* and *post-mortem ecchymoses*.
 6. Give general method of making a *post-mortem* examination, in order of organs examined.
 7. What methods are used for identifying the dead?
 8. What is ossification?
 9. Name ten (10) causes producing violent death.
 10. Name difference in location on the body of suicidal, homicidal and accidental wounds.
 11. How would you distinguish on the dead body an *ante-* and a *post-mortem* wound?
 12. Give difference between a burn and a scald.
 13. Distinguish between an *ante-* and a *post-mortem* burn.
 14. Define suffocation, strangulation, hanging and drowning.
 15. How do external signs on a dead body, drowned, differ from one hanged?
 16. In a dead body suspended by the neck, with a bullet wound likely to cause death, how would you determine whether the suspension was *ante* or *post mortem*.
 17. What five (5) conditions determine how soon a drowned body will float?
 18. Define a fictitious and a factitious disease.
 19. What diseases are most usually feigned; and why?
 20. Define feticide, and state by what means produced.
- Sign pledge in full at end of answers.
Return questions. Finish by 1 P. M.

Sumner

MEDICAL JURISPRUDENCE

FINAL EXAMINATION

JANUARY 21, 1907.

LAW CLASS
UNIVERSITY OF GEORGIA

1. Define Infanticide. Define also in a legal sense.
2. What changes take place in lungs of new born child after breathing?
3. In the dead ~~born~~ child what are evidences of a live birth?
4. Give five causes of death to new born child not criminal.
5. Explain concisely the Hydrostatic Test.
6. Define Idiot, Imbecile and Dement.
7. What is difference between Illusion, Delusion and Hallucination?
8. How does Homicidal Mono-mania differ from Impulsive desire to kill?
9. What determines, in insane conditions, responsibility for an illegal act?
10. Discuss methods of detecting absence of insanity when feigned.
11. Name five Mono-maniacs and discuss concisely each.
12. What is Paranoia?
13. What one condition constitutes a Mono-mania?
14. Compare Mania with Dementia.
15. How does an Idiot differ from an Imbecile? Which condition excludes responsibility?
16. Define concisely a "poison".
17. By what avenues may poison enter the system?
18. Give general symptoms of acute poisoning.
19. What determines the rapidity of action of a poison?
20. Name six (6) questions that present themselves in the investigation of every case of poisoning.

Sign pledge at end of answers.

Return questions.

Finish, 1 P. M.

ELEMENTARY LAW.

FEBRUARY, 1908.

I. Where is the law making power lodged in this country? Whence is it derived? Name the several classes of laws in the order of their supremacy. What is the relation of the Federal Supreme Court to legislation?

II. Define legal right. Give the classes of rights guaranteed to an individual. Distinguish personalty and realty. Define property, give its incidents.

III. Name and explain the most usual method of acquiring title to land. What is eminent domain? How is property in chattels usually acquired? An intestate resident in one State has an estate in another State, under the law of which State is it distributed?

IV. Define contract. Distinguish good and valuable consideration. Distinguish sale and contract of sale. Distinguish bailment and insurance. A contract made in one State to be performed in another State, the laws of which State govern?

V. Define negotiable instrument. Give and explain an example. In what particulars does it differ from an ordinary chose in action?

VI. Define tort. Give and explain the elements of actual fraud. Illustrate with an example. *Distinguish the two classes of fraud.*

VII. Distinguish libel and slander. Explain actionable per se. What slanders and what libels are actionable per se? Give the legal presumptions in such a case.

VIII. Define nuisance. Distinguish public and private nuisance. When is a public nuisance also a private nuisance? Illustrate with an example. Give the elements of actionable negligence. Distinguish remote and proximate cause. Give and explain an example.

IX. How does the relation of master and servant arise? Name the several instances where the master is liable for the tort of the servant. Explain the instances where the master is liable to a servant for an injury inflicted by another servant.

PLEDGE.

I pledge my honor that I have neither given nor received aid in this examination since I knew the questions constituting it.

S. H. Diamond Signature.

TORTS.....1908.

I. Give the two ways in which a tort is committed. Illustrate each with an example.

II. Explain the relation to a tort of malice, motive, damage. What is an accident? Is it or not a tort? Why?

III. Who are responsible for torts? Apply the rule in case of infants, of idiots, of public corporations.

IV. When is a master liable for tort committed by servant? Give the reason for the rule. When and why is master liable for tort of servant contrary to express command?

V. When is master liable for tort of servant on fellow-servant? Give reason for the rule.

VI. Explain immunity, good-faith, diligence. Give examples of each. Give example of a harm not a tort.

VII. Explain contributory conduct, assumption of risk, leave and license, release.

VIII. Is or not homicide a tort? If so, upon whom? Give reason for answer.

IX. What is negligence? What are the three groups of duties, the dereliction of any of which is negligence? Give examples of each.

X. What are the duties of an innkeeper to his guest? Give an example of his negligence. What are the duties of a carrier to his passenger? Give an example of his negligence.

PLEDGE—I pledge my honor that I have neither given nor received aid in this examination since I knew the questions constituting it.

S. H. Diamond Signature.

EXAMINATION.

Constitution of United States and State of Georgia.

- 1 X 1. What are the three co-ordinate branches of Government, United States? State?
- 2 X 2. Where is vested Legislative power, United States? State? Executive power, United States? State? Give Constitutional Courts of United States? State? Congress of United States consists of what? Legislature, State, of what?
- 3 X 3. Give qualifications of Senators, United States? State? Of Representatives United States? State? How many Senators has each State in Congress United States? State in Legislature? How Representatives United States apportioned, elected, and term of office? State? How many State Senators? how elected and term of office? How United States Senators elected? Term of office of United States Senators. Is Senate United States perpetual body? Is House United States Congress?
4. Give privileges of members of United States Congress? Members of Legislature? and Electors (voters)?
- 5 X 5. How are direct taxes apportioned United States? How indirect taxes United States? What are direct taxes? What indirect?
- 6 X 6. State power of Congress? Explain fully and clearly?
- 7 X 7. What is test of Constitutionality of Law passed by Congress of United States? What test of constitutionality of Law passed by State Legislature? Why difference? Where is the origin source of sovereignty under our constitutional system of government? Are or are not the powers of United States Government delegated? If yes, by whom? All powers not delegated to the United States are reserved by and to whom? What does this prove? Answer this question 7 fully and clearly.
8. How may a bill become a law. United States? State? (Three ways each). What bills must originate in House, United States? What in House, State? Can Senate amend. United States? State? What majority required to enact bill into a law, United States Congress? State Legislature?
9. How is President of United States and Vice President elected? Explain fully? If no election by electoral college, which branch of Congress chooses a President? How vote taken? Explain fully? How Vice President chosen if no election by electoral college? Which branch of Congress and how vote taken?
10. How Governor of State elected?
11. Give qualifications of President and Vice President of United States? Of Governors of States?
12. Give powers and duties of President of United States? Governor of State?
- 13 X 13. Where is judicial powers of United States vested? What courts? What original jurisdiction has Supreme Court of United States? What appellate?
- 14 X 14. Where is judicial powers of State vested? What jurisdiction has Supreme Court of State? What jurisdiction has Court of Appeals? When decisions final? How reviewed or reversed? Has it any original jurisdiction? What exclusive jurisdiction has Superior Courts of State? What appellate? What review by certiorari, mandamus, etc.? Give jurisdiction of Court of Ordinary? Justice of Peace Courts? City and County Courts?
15. Can a State be sued? If so, by whom? And who cannot sue a State? Why?
16. How may Constitution United States be amended? How State? When must an amendment to Constitution United States have consent of State affected?
17. How may new States be admitted to Union of States? Can a new State be carved out of existing State? or several existing States be merged into one new State? If yes, when and when not?
18. How Judges United States chosen? How State? What are

the Constitutional qualifications Supreme Court Judges State? Superior Court Judges State?

19. Who are qualified electors (voters) State? Who United States? Who denied franchise? Can United States confer franchise at all?

20. How are United States Courts other than Supreme Court created? How courts of State other than Constitutional courts?

21. What majority must every bill receive to become law of United States? What majority State? What bills must have received yea and nay vote United States? State? What is Constitutional majority State required to enact a law?

22. What Constitutional limitations are put upon State as to contracting new debt? What on cities and counties?

23. What property can State exempt from tax? Laws exempting other property, are they valid or void? If so, how so declared?

24. What power has the State of taxation? What limitation?

25. What power and duty imposed upon State as to taxation for Education? What limitations as to appropriations for education? What limitation on State in granting power to counties to tax for education?

26. What limitations on cities and counties as to increasing or incurring debt? ..

27. Where is the sole power to impeach, United States? State? Where sole power to try impeachment cases, United States? State? Can person be also tried for crime based on same, United States? State? Who subject to impeachment United States? State?

28. Are members of Congress United States subject to impeachment? Are members of State Legislature? Who sole judge of election, privileges and qualifications members of Congress, United States? State Legislature?

29. Are army and navy officers United States subject to impeachment? State? ..

30. Where is the sole power to make treaties vested? How made? Can a State or several States make treaties, alliances, or confederacies?

31. What express limitations are put on State by Constitution United States? What on United States?

32. What security is guaranteed to citizens as to liberty of press, speech and religion by Constitution of United States? What by State? What right of petition peaceable assembly, bearing arms and freedom from search person and property?

33. How must all general laws of State operate? What is a General Law? Local Law? Special or Private Law? Can any local or general law pass when there is a general law on subject?

34. What Homesteads and Exemptions are allowed, State? Can it be waived, all or part? If not all, what amount and character cannot be waived? To whom allowed? Can it be sold for reinvestment? How?

35. What restrictions on State as to loaning credit of State? (State aid.) On cities and counties?

36. What power has State to regulate corporations to prevent monopoly and secure reasonable and just freight and passenger rates? What power has State to prevent combinations? What negation put on Legislature?

37. How must Banks, Insurance, Railroads, Canal, Navigation, Express and Telegraph Companies be incorporated by State? How all other corporations? ..

38. What must the State general appropriation Bill embrace? How must all other appropriations be made by State Legislature?

39. How must local legislation be enacted?

40. How must Code be amended?

41. Can Bill contain more than one subject matter? What must caption contain?

Usual pledge and directions.

Elementary Law

- I Whence do the laws derive their authority?
What is a legal right? Name the legal rights of individuals
- II Define Property What is land?
Define Personality What is an easement?
What is a fixture how is it decided to be a fixture
- III Give the essentials of a gift, Explain the elements of a contract? Distinguish insurance and bailments
Distinguish negotiable and ordinary notes
- IV Define Corporation? how is it created?
Name the essential powers of a corporation
How are the contracts of a corporation executed and evidenced. Distinguish ~~for~~ Corporation and partnership
- V Define Tort Give and explain an example of an occurrence which is both a breach of the contract and a Tort Explain the terms Injuria, Damages, Actionable per se
- VI Give the elements of actual Fraud. What is the chief distinction between actual fraud and abuse of confidence
- VII Give the elements of actionable negligence
Explain Remote and Proximate Cause? Give examples. What is contributory negligence? How does it affect an action

VIII What constitutes the relation of master and servant?
When is master responsible for the tort committed by the servant contrary to his express command? Give reason for the rule?
When is master responsible for tort committed by servant upon a fellow servant?

IX What constitutes conversion of a chattel?
Distinguish general and special property in a chattel
Give example? Distinguish actual and constructive possession

X What is waste? Who brings action for waste
What is Trespass? Who sues therefor? Give an example of nuisance to land?
Is a fence on ones own land which purposely excludes light from a neighbors house a nuisance or not? Give reasons for answer?

Torts

I

Distinguish Tort and crime. Tort and Breach of Contract
Explain waiving the Tort and suing on Contract; waiving the Contract
and declaring on the tort. Distinguish Tort and accident

II

Give the general rule of liability for Tort. How is the rule applied in
case of infants and persons of unsound mind. Illustrate
with examples.

III

Explain damages, nominal, compensatory and punitive
Give examples of each. What is the rule for measurement of
last three. Distinguish damages and damages

IV

Who are the parties to a Tort action. Give application of rule in
cases of Corporations, family, joint Tort-feasors, master and servant
Give examples of each

V

What are the two kinds of remedies for Torts Give an example of
each. Give the rule as to contribution between joint-Tort-feasors
Give an example

VI

Give examples of the following torts. Neither malice nor damage essential. Malice a necessary element. Damage a necessary element. Malice and damage essential.

VII

What rights are violated by false imprisonment; malicious prosecution; Battery. What constitute each. Explain probable cause

VIII

Define slander and libel. Which are actionable per se which not. What damages are recoverable.

IX

Distinguish trespass and conversion. Give examples of each kind of Trespass. What acts constitute conversion.

X

Distinguish nuisance and negligence. In case of damage from lawful business give rule of nuisance to health and to land. Distinguish contributory negligence and assumption of risk. Remote and proximate cause.

Pledge

I

Define right, wrong action at law
court, Court For what does a personal
action lie? a real action? a mixed action
when does trespass lie? when does case lie

II

Name the rights invaded and the remedies
provided for the following
battery Slander conversion, Waste

III

Same for breach of contract under
seal, simple express contract,
implied contract

IV

Define pleading, what is the object of pleading
How is it attained
Name the pleadings in their order.

V

What is the object of the trial?
What is a preemptory challenge
Define evidence, Distinguish positive and
negative testimony When is secondary
evidence admissible Define judgment
execution

Pledge

I

Define corporation How is a corporation created Distinguish corporation and partnership How does each act

II

Give the groups of corporate powers and their subdivisions Give example of each. What is Ultra-Vires

III

Who are the members of a trading corporation What is the test of membership When is a stockholder not a member Distinguish capital and capital stock

IV

Give the powers and duties of the members of the Directors, what is the relation of the corporation to the State, of the corporation to the members Illustrate with examples

V

In case of insolvency what are the rights and liabilities of the corporation of the members of the creditors Explain the methods of enforcing the rights of creditors

— Pledge —

Corporations 1908

I

Distinguish corporation and Partnership
Give the methods of creating a corporation
Distinguish corporation de jure and corporation
de facto

II

What is the relation of the corporation to the State
What are the powers of the State over the corporation
What is meant by the citizenship of corporation

III

Give in detail the groups and subgroups of
corporate powers Explain and illustrate each
with example

IV

Under what circumstances is a corporation
liable on contract, for tort, for crime.
What contracts of a corporation must be
under seal

V

What constitutes membership in a corporation
Give the rights of members. Under what circumstances
can a member interfere in the management
of the corporate affairs

VI

Give the different kinds of acts which may be done by
members, By directors. In what way do members act

VII

Define capital. Capital stock, dividend. ^{corp.} What are the
liabilities of the member to the corporation

VIII

How do creditors of insolvent corporations enforce
their claims. Give proceedings in full

I pledge my honor that I have neither given or
received aid in this examination since I knew the
questions constituting it.

Sydney Hamilton Diamond.

Contract

I

Define contract; Agreement; offer & acceptance
Explain fully communication; Define obligation;
Promise Consideration

II

State any and all contracts which
import a consideration

State all Contracts which need a consideration
to support them

State any and all Contracts which must
state consideration in terms, - that is
appear and be expressed in face of Contracts

III

Define mistake; Give three classes of mistake
Does it void contract. What is misrep-
resentation. What is fraud? Explain
difference between misrepresentation and
fraud? Are these contracts void or voidable

IV

If consideration part good and part void, does
whole contract fall? Why

If consideration part legal and part illegal does
whole contract fall? If consideration wholly
illegal does contract fall? Why? Will impossible
consideration support a contract? Will improbable
consideration support a contract? In each answer why?

VI

State all Contracts requiring a
memoranda of writing under the
4th and 17th ^{sections} Statute of Frauds

State what memoranda must
contain

Is the contract void or unenforceable
When can memorandum be
made? must be signed by whom?