

1959 BAR EXAMINATION QUESTIONS

(Conclusion)

CRIMINAL LAW

I. (a) Except as provided in treaties and laws of preferential application, enumerate five cases wherein the Revised Penal Code is applicable outside the territorial jurisdiction of the Philippines.

(b) One night, two American soldiers of the U. S. Army forcibly take two Filipino hostesses from Angeles, Pampanga, and bring them inside Clark Air Base. Once inside the base they are taken to a dance, but finding the hall too crowded they immediately proceed to the soldiers' quarters where the girls are raped.

(1) May the two soldiers be prosecuted before a Philippine Court? Reasons.

(2) For what offense or offenses are they criminally liable? Reasons.

II. (a) Is mere membership in the Communist Party of the Philippines punishable? Cite authoritative provisions.

(b) A was taken to a farm by outlaw members B and C. B gave A a bolo and told the latter that the chief outlaw wanted A to kill the farmer who was sleeping inside the hut. A refused, but after B told A "you have to comply with that order of the chief outlaw, otherwise you will have to come along with us," A killed the farmer.

Is A criminally liable? Reason out your answer.

III. (a) What penalties are to be imposed for capital crimes? for crimes committed which are different from those intended?

(b) A was seated at the rear side of the orchestra in a theater. He left his seat with his revolver in hand to look for another seat behind. On his way, his revolver suddenly was discharged and the bullet hit B, causing his death, and C, causing injuries that required more than 30 days to heal.

If you were the prosecutor, for what offenses or offenses would you charge A, Reasons.

If convicted, what would be the proper penalty?

IV. (a) Distinguish both by their nature and their effects between justifying and exempting circumstances.

(b) M, a public school teacher, scolded R, one of her pupils. The next day, while M was conducting her class, R's father boxed M on different parts of her body. The injuries of M healed more than ten (10) days but less than thirty days.

For what offense or offenses may R's father be charged? Give reasons for your answer.

V. (a) Generally the Revised Penal Code imposes a lower penalty for crimes committed through criminal negligence. Cite one specific offense where the penalty is the same regardless of whether the offense is committed with criminal intent or through criminal negligence.

(b) X, a patrolman, was accused of grave threats before the JP court. He was arrested and detained in the municipal jail. Based on the certification of the Chief of Police that X performed continued service without absence, X was able to draw his salary during the period of his confinement. The mayor approved the payroll and the treasurer paid the salary.

What offense or offenses have been committed? Reasons.

Who are the parties liable therefore? Reasons.

VI. (a) What are included in the civil liability incurred by a person committing an offense, and how are they made or satisfied?

(b) Give the two exceptions to the rule that penal laws shall have a retroactive effect in so far as they favor the persons guilty of a felony.

(c) For what offenses may a member of Congress be arrested during the regular or special session of Congress?

VII. (a) A and B, armed with carbines, decided to rob the house of X. While attempting to gain entrance thereto, X shouted for help which caused A and B to fire at X, who died. There is no evidence to show who among A and B fired the fatal shot.

May A and B be prosecuted? Reason out your answer.

(b) A police raiding team apprehended a bachelor and a woman in the act of cohabitation at a motel room. It was admitted by the couple that the woman received five bottles of perfumes in consideration of the intercourse.

What was the offense committed, if there was any? Give reasons for your answer.

VIII. (a) In a poker game A, employing fraud, won P500.00 from B. When the criminal complaint for estafa was pending preliminary investigation before the provincial fiscal, A returned the P500.00 to B's wife, with knowledge of B. After receipt of the P500, B insisted in the prosecution of A.

If you were the prosecutor, what will you do? Give your reasons.

(b) P knocked at the door of the room of his wife, M. When there was no response P opened the door. P saw his illegitimate grandfather, G, jumped out of the window. P asked M why X was inside her room, but M refused to answer. P pursued X and killed him.

What was the offense committed, if there was any? Reason out your answer.

IX. (a) Give the cases where the Indeterminate Sentence Law does not apply.

(b) D brought his maid E to his room. After raising his cane D compelled E to take off her clothes and dance before him.

What offense has been committed? Give your reasons.

(c) F, cashier of the Manila Railroad Company, misappropriated P50,000.00 in conspiracy with L, a businessman.

For what offense or offenses are F and L liable? Reason out your answer.

X. (a) State the provision in the Revised Penal Code which excludes the former offense of false prosecution.

(b) In consideration of P15,000 which R gave to S, the latter agreed to execute the next day a deed of conveyance over 1,000 sq. m. lot in favor of R. On the following day, S did not comply with the agreement; instead he evaded R. When pressed by R for compliance, S refused. Later on, S sold the same lot to another buyer.

What was the offense committed, if there was any? Reason out your answer.

POLITICAL LAW

I. (a) State the purpose and scope of the due process of the Constitution.

(b) M is accused of theft, and after trial the court sentenced him to the proper penalty for said crime. Having been previously convicted twice by final judgment of the crime of theft, a fact sufficiently alleged in the information, he is also sentenced to an additional penalty of three years of prison correccional pursuant to habitual delinquency law. On appeal M contends that the habitual delinquency law is unconstitutional, first, because it inflicts cruel and unusual punishment, and second, because it punishes an accused a second time for an earlier crime of which he had been previously convicted and punished.

How should the appellate court resolve the questions raised by M? Explain your answer.

II. (a) Give two powers of Congress which although not expressly granted are implied from the express grants

of power, and three non-legislative powers expressly granted Congress by the constitution.

- (b) P, a member of the House of Representatives and of the Commissions of Appointments, as complainant filed formal administrative charges against the justice of the peace of a municipality in his district. At the investigation of the charges before the Judge of the Court of First Instance of the province, may P, over the objection of the respondent who invokes Section 17 of Article VI of the Constitution which provides: "No member of the Commission on Appointments shall appear as counsel before any court inferior to a collegiate court of appellate jurisdiction", be permitted to substantiate his charges?

Reason out your answer.

III. (a) Distinguish eminent domain from police power.

- (b) B is the owner of a big lot in the City of Manila. With her permission, a private alley was constructed from the public street bordering her lot into the interior of her property and the adjoining lot. This alley serves as the only means of exit to said public street for the interior residents. B subsequently applied for a permit to build a house of strong materials on the portion of her lot occupied by the private alley. The City Engineer denied her application because the proposed building would close the alley, in violation of a city ordinance which provides that before a building can be constructed in the interior of a city lot a private alley must first be provided and that such alley can not be closed as long as there are interior residents using the alley as a means of entrance and egress to and from a public street.

B filed a petition for mandamus in the Court of First Instance of Manila to compel the City Engineer to issue a building permit, contending that the denial of her application is tantamount to taking her property without compensation and that if the City of Manila needed her property for a street, it must first expropriate it.

How should the court decide the case? Explain your answer.

IV. (a) Discuss briefly the doctrine of immunity of Government from suit.

- (b) Commonwealth Act No. 303 penalizes an employer who being able to make payment, refuses to pay the salary of his employee. Prosecuted for a violation of said Act, R, as the owner of a business establishment, admits that he has not paid his employees. He contends, however, that Commonwealth Act No. 303 is violative of the provision of the Constitution that "No person shall be imprisoned for debt".

Decide the case, giving reasons.

V. (a) State one recognized exception to the rule which prohibits the passage of irrepealable laws, and the reason or reasons for the exception.

- (b) F, a young, ignorant orphan girl residing in one of the municipalities of distant province, came to Manila and started working as a domestic servant in the house of J who advanced the amount for fare. F wants to leave J's employ, but J, without employing physical force, would not allow her to leave until the amount advanced to her is paid in full. May a petition for a writ of habeas corpus on her behalf be granted in this case.

Reason out your answer.

VI. (a) On what ground or grounds may a provincial board disapprove an ordinance or resolution passed by a municipal council?

- (b) Under a power expressly granted by law to municipal councils, the municipal council of A passed an ordi-

nance prohibiting the installation of machineries of more than 20 horse power within certain thickly populated sections of the town. A copy of the ordinance was immediately furnished the provincial board of the province but that body never approved or disapproved the ordinance.

S applied for a permit to install an engine of more than 20 horse power in a section of the town where installation of such engine is prohibited by the ordinance. The municipal mayor disapproved the application and S filed a petition for mandamus in the Court of First Instance of the province to compel the mayor to issue the permit, contending that the ordinance is inoperative because it was never approved by the provincial board of the province.

How should the court decide the case? Reason out your answer.

VII. (a) When does a tax ordinance passed by a city, municipal or municipal district council take effect? Who may suspend it and of what ground or grounds?

- (b) Under the power granted it by the city charter "to tax, fix the license fees and regulate the business of theaters, cinematographs," the Municipal Board of Manila passed an ordinance imposing a graduated license tax on theatres and cinematographs in the City of Manila. On the other hand, Section 260 of the National Internal Revenue Code fixes a graduated amusement tax on theatres and cinematographs and other places of amusement. T operates several theaters and cinematographs in Manila, and after paying the amusement tax under the National Internal Revenue Code, he also paid, but under protest, the license tax required in the aforesaid city ordinance. In the suit which T filed to recover the license tax from the City of Manila, he contends that the ordinance is void because payment of the license tax therein imposed constitute double taxation.

Is T's contention tenable? Reason out your answer.

VIII. (a) Discuss briefly the doctrines of exhaustion of administrative remedies and conclusive finality of administrative decisions.

- (b) M and R filed with the Director of Lands separate lease application under the Public Land Act covering the same portion of the public domain. After an investigation, with notice to the conflicting applicants, the Director of Lands rejected M's application and approved that of R. M immediately filed a petition in the proper court alleging total lack of evidence to support the decision and grave abuse of authority and discretion on the part of the Director of Lands, and praying for judgment voiding said decisions and ordering the Director of Lands to approve his "M" application.

Has M a cause of action against the Director of Lands, give reason for your answer.

IX. (a) May the President of the Philippines by virtue of his control of the executive department of the government and his general supervisory authority over local governments, himself or through an official of the National Government designated by him, investigate charges against a municipal mayor, a municipal vice-mayor, or a member of the municipal council? Reason out your answer.

- (b) C, an alien, adopts the minor S, an alien born in the Philippines. After the adoption C becomes a Filipino citizen by naturalization.

Has S, who is still a minor, also become a Filipino citizen in view of Section 15 of the Revised Na-

turalization Law which provides that "minor children of persons naturalized under this law who have been born in the Philippines shall be considered citizens thereof", and Article 341 of the New Civil Code which states "that the adoption shall give to the adopted person the same rights and duties as if he were a legitimate child of the adopter"?

Reason out your answer.

- X. (a) In the general elections of 1955, A and B were rival candidates for mayor of the same municipality. Fifty-six (56) ballots contained the name of B but written on spaces for offices other than the office of the mayor. In the election contest between the two candidates which involved the 56 ballots, should these be counted in favor of B? Explain your answer.

- (b) R and G were candidates for the office of Provincial Governor of a certain province in 1955. G was proclaimed elected on December 8, 1955. Within the period fixed by Section 174 of the Revised Election Code (within two weeks after proclamation), R filed his petition contesting G's election. Within the time fixed by Section 16 of the same Code which provides:

"Sec. 176. Procedure x x x

(b) The protestee shall answer the protest within five days after being summoned. x x x

(c) Should the protestee desire to impugn the votes received by the protestant in other precincts, he shall file a counter-protest within the same period fixed for the answer. x x x

G filed his answer and counter-protest on December 16, 1955. On June 1, 1956, G petitioned the trial court for permission to amend his counter-protest by including therein a new precinct. R objected to the petition to amend.

Should the court grant G's petition to amend his answer and counter-protest.

Reason out your answer.

REMEDIAL LAW

- I. (a) Distinguish cause of action from right of action. What law governs each,

- (b) What determines the singleness of a cause of action and what is the effect of splitting same?

Supposing an indebtedness of ₱30,000.00 is payable in five yearly amortizations of ₱6,000.00 each starting on January 1, 1959, and one every January 1st of each year hereafter, there been no acceleration clause. The first installment not having been paid, a demand was made for the sum of ₱6,000.00, but debtor refused to pay, alleging that the obligation was without consideration.

If you are to file a complaint for the creditor, upon what cause of action would you base it, Give your reasons.

- II. (a) Differentiate: (1) permissive joinder of parties; (2) class suit; (3) Derivative suit.

- (b) A owns a residential lot with a garage thereon in Baguio City. He agreed to lease the garage to B for 2 months under a written contract to be later executed. B, who had taken possession of the garage, required A to sign the formal contract, but A refused, adding that there was no need for it.

If B filed an action to compel A to execute the agreed contract, is the action "in rem" or "in personam"?

- III. (a) In what action or actions is a judgment on the pleadings, or a judgment based on stipulation of facts or confession of judgment not applicable or obtain-

able?

- (b) A sued B in the Court of First Instance to recover ₱10,000.00. B, the defendant, answered the complaint within the period provided for by law. Later A, the plaintiff, filed a notice to dismiss the action. The case was nevertheless set for trial with notice to the parties. On the day of the trial plaintiff was absent and the defendant moved for the dismissal of the case, and the court dismissed the case. One year later, A filed the same action against B. The defendant B filed a motion to dismiss, on the ground that the dismissal of the first action was bar. Decide the case, giving your reasons.

- IV. (a) May a court of first instance issue an injunction in connection with a picket established by a striking union of laborers by reason of a pending case of unfair labor practices in the Court of Industrial Relations? Reason out your answer.

- (b) A filed a complaint in the Court of First Instance against M & Co., an insurance company, to collect the value of a fire insurance policy covering A's property which was burnt. A obtained judgment in his favor and notice thereof was served on the insurance company on December 20, 1958. The decision became final on January 19, 1958. Four months and fifteen days after the decision has become final, M & Co. learned that the fire was intentional and succeeded in gathering evidence to this effect.

Is there any remedy for M & Co. by which it may relieve itself from compliance with the judgment?

If in the affirmative, upon what grounds and in what manner may the relief be obtained? If in the negative, state your reasons.

- V. (a) In what respect has the new Civil Code affected the provisions of the Rules of Court in the matter of: (1) Guardianship; (2) Adoption; (3) Presumption of death for purposes of succession?

- (b) X obtained a judgment for money against Y in the Municipal Court. Pending trial of Y's appeal in the Court of First Instance, Y dies.

(1) Can X file his judgment in the administration of Y's estate? (2) Supposing Y died after judgment against him by the Court of First Instance, what would X's remedy be? (3) Supposing further that execution of the judgment of the CFI has been levied on Y's property at the time of his death, what remedy does X have? Reason out your answers.

- VI. (a) Distinguish from each other: suspension of payment; voluntary insolvency; involuntary insolvency.

- (b) R, administrator of the estate of the deceased S, after submitting his inventory, files a motion in the administration proceedings praying for an order directing X to deliver to R the house and lot included in R's inventory. The Court, without hearing, grants the motion and issues the corresponding order. X, notwithstanding the order, refuses to deliver the property claiming that it was donated to him inter vivos by the deceased S. R contends that the donation was null and void. R asks the Court to declare the donation invalid, to declare X in contempt of Court, and to compel X to deliver the property.

If you were counsel for X, on what ground would you oppose the second motion and assail the first order? Reasons.

- VII. (a) Name three grounds for a motion to quash that are not apparent upon the face of a complaint or information.

- (b) A was prosecuted for alleged attempted homicide in

that he willfully, unlawfully, feloniously, with intent to kill, hurled from a house-window, a big stone at B while the latter was passing along A's house, without hitting her. At trial the prosecution established that B was injured probably by a splinter when the stone hit the pavement which physical injury required eleven days to heal with medical attendance, and the Court admitted the evidence over the vigorous objection of the defense on the ground that there was no allegation of physical injury in the information.

Ruling that the intent to kill had not been proven, the Court, however, convicted the defendant of less serious physical injuries. Was the judgment of conviction well taken? Reasons.

VIII. (a) When may an information be amended without leave of court?

(b) A, defendant in a criminal case took the witness stand on his own behalf. In his cross-examination, can he be compelled to:

(1) Write or give specimens of his handwriting on a piece of paper so as to determine whether he had written another allegedly falsified document?

(2) Place his foot upon a footprint on the ground, to see if said footprint tallied with his own?

(3) Produce certain documents proven to be in his possession? Give reason for your answer.

IX. (a) State the Hearsay Evidence Rule and discuss the difference in its effects when offered testimonially and when tendered circumstantially. Illustrate by examples.

(b) Y had purchased a parcel of land from X and paid P1,000.00 therefor, leaving a balance of P200.00. Z did not personally intervene in his transaction, but subsequently meeting X, had verbally guaranteed payment of said balance. In an action for the recovery of the balance foled by X against Y and Z, the evidence had disclosed that Y had just been acting as an agent or representative of Z in said purchase. As a matter of fact Z was the real purchaser of the land. Will Z's defense, under the Statute of Frauds, that his "promise to answer for that debt of another" not being in writing and consequently invalid, proper? Reasons.

X. (a) State the rule or principle of evidence called "Res inter alios Acta" both in criminal as well as in civil cases. Reasons for the rule.

(b) In an extra-judicial confession had before the Constabulary and NBI officers, A, charged with murder, voluntarily admitted the charge, but incriminated B and C as his co-conspirators. Apprehended, B and C vehemently denied the charge or any participation therein. Disregarding however, B & C's counsel's objection to the admissibility of A's confession as against B & C, the prosecution filed the corresponding information against the trio.

At the trial before the Court of First Instance, counsel for B & C again vigorously objected to A's testimony.

Is A's testimony on the witness stand incriminating B & C admissible against them? Reasons.

Manila August 30, 1959

LEGAL ETHICS AND PRACTICAL EXERCISES

I. (a) You may answer the following two questions separately or together.

(1) Is the "ethics" of the legal profession in this jurisdiction provided for in a specific statute or rule of court? If so, indicate generally the corresponding statute or rule.

(2) If legal ethics in this jurisdiction is not covered by positive statute or rule of court, indicate generally the source or sources of authority for finding that a lawyer has acted unethically.

(b) Senator X is engaged in the practice of law. One day, three prospective clients, A, B, and C, asked him to represent them in three separate cases, as follows: A is a municipal mayor accused of murder; B is the owner of a piece of land and is defendant in expropriation proceedings filed by the City of Manila; and C is an infantry officer who is accused in courtmartial proceedings.

Can Senator X properly accept all the cases? Briefly explain your answer.

II. (a) Can an attorney of record, with a written contract of partnership, withdraw from a case against the wishes of his client? Explain your answer briefly.

(b) X has been convicted of murder by a Court of First Instance and he has appealed to the Supreme Court. Atty. R was appointed counsel de officio. After studying the records, Atty. R came to the conclusion that X is really guilty. Which of the following alternative actions may be properly take?

(1) File a brief and contend nevertheless that X is not guilty.

(2) File a brief, or motion, asking that the decision be affirmed

(3) File a motion praying that the Court relieve him as counsel de officio on the ground that he can not adequately represent X because he believes him guilty.

III. (a) Rep. Act No. 145 penalizes the receipt of fees by a lawyer in excess of P20.00 in relation to claims for benefits under statutes of the United States being administered by the U.S. Veterans Administration. Atty. M was found guilty and convicted in a criminal case for violation of said Rep. Act No. 145 for having solicited, charged, and received, as fees, amounts in excess of P20.00.

May Atty. M be disbarred because of his conviction? Give your reasons.

(b) As lawyer for client X, Atty. A secured a money judgment against Y before a court of first instance. On appeal by Y, X hired another lawyer to represent him in the appeal and judgment was affirmed. Two years after the decision had become final, X tried to execute his judgment against property which he thought belonged to Y but which a third party, Z, claimed to be his. As a matter of fact, Z filed a complaint against X and the Sheriff tried to vindicate his title to the property. Z was represented by Atty. A.

Did Atty. A commit any breach of legal ethics? Reason out your answer.

IV. (a) Atty. A consented to the publication, but for only one time, of the following advertisement in a local newspaper as a gift from a client:

"Free legal consultation for the poor. Marriage license promptly secured and arranged according to wishes of parties.

"Atty. A — Tel. 392; 41 Escolta".

(1) Did Atty. A violate any statute or rule of court?

(2) State whether the Supreme Court has decided any case with similar facts; and if so, give the ruling enunciated by the Court.

(b) B took an affidavit to his lawyer, A, who was also a notary public for ratification. B swore to the affidavit and sign it before A, who ratified the same and made the corresponding entry in his notarial register without reading it. B took all the copies of the affidavit

with him. It turned out later that the affidavit contained allegations that B, a married man, had agreed to live separately from his wife, confirming that each of them could choose another lifetime partner without interference from the other.

Can the act of Atty. A, in ratifying the affidavit subject him to disbarment, ? Briefly reason out your answer.

- V. (a) F is the leading lawyer in his province. C, a resident of the same province, having a doubtful claim against P, another resident, consult with F, showing him papers and giving him facts relative to the claim. F thereafter tells C he believes that C does not have a case against P and politely refuses to handle the case. Subsequently, C hires the services of another lawyer and files suit against P. P now approaches and ask F to represent him.
- (1) What consideration may be invoked in support of F's acceptance of the request that he represent P in the case?
- (2) What consideration in contra may be invoked?
- (3) State whether the Supreme Court has decided any case with similar facts; and if so, give the ruling enunciated by the Court.
- (b) Suppose that next month after the bar examinations are over but before the results are published, you are engaged to represent the accused in a criminal case of damage to property through reckless imprudence pending before the Municipal Court of Manila. Can you legally represent the accused? Briefly explain your answer.
- VI. (a) After a pre-trial was had in a civil case, Judge B casually states the following to the attorney for the plaintiff: "Atty. X, I do not believe in the veracity of or relevancy of your evidence. I advise you to compromise your case."

- (1) Has the judge committed any breach of judicial ethics? Explain you answer.
- (2) What remedy, if any does the plaintiff have? Explain.
- (a) A bus, driven by X collided with and damaged the car of Y. In the criminal case filed for physical injuries and damage to the property through reckless imprudence, Judge G acquitted the accused X. Subsequently, Y filed a civil action for damages against X. The civil case was assigned to the sala of Judge G.
- (1) Can Judge G be disqualified from hearing the civil case? Briefly give your reasons.
- (2) If X should seek to disqualify Judge G, how should he go about it?
- VII. (a) SW, a woman married to FH, sold two parcels of land located in Quezon City for P20,000.00 to Mr. & Mrs. AB. Prepare the notarial acknowledgment for a simple unilateral deed of absolute sale to cover the transaction, supplying all necessary data.
- (b) Prepare a simple negotiable promissory note with an acceleration clause.
- VIII. (a) Using your own facts, prepare a paragraph for inclusion in the articles of incorporation of a company providing for its authorized capitalization.
- (b) Supplying your own facts, prepare a simple bill of exchange.
- IX. (a) T is the owner of an apartment house. He leased apartment No. 2 to H for a year, terminating on July 31, 1959. Although no extension to the lease was granted, H refused to vacate. On August 16th, as Attorney for T, you filed a complaint for ejectment against H. Reproduce your entire complaint.
- X. (a) Omitting caption and title, and supplying all necessary facts, prepare the body of an information 'charging the accused with bigamy. Manila. August 30, 1959

COURT OF APPEALS . . . (Continued from page 50)
lect to perform any duty specifically enjoined by law.

The petitioner alleges that it orally acquiesced to the cross examination of its witness before a commissioner subject "to the proviso that in the event many legal questions or issues arise during the cross-examination before the commissioner, the same shall be returned to the court as the commissioner is powerless to rule on them." However, the order of August 10, 1959 completely belies this allegation — which is probably the reason why it is not among the annexes submitted with the petition, despite the fact that it is precisely the same order being questioned.

Upon the other hand, it cannot be successfully denied that the principal issue of Civil Case No. 35113 requires a tedious examination of a lengthy and complicated account. Aside from the P160,000.00 for moral and exemplary damages and attorney's fees, the plaintiff therein, herein petitioner, asked for the payment of P35,000.00 representing its capital contribution to the filming of "Buhay at Pag-ibig ni Dr. Jose Rizal"; P31,000.00 representing damages due to padded production costs; P10,000.00 representing earned and concealed profits; and P50,000.00 for unrealized but expected profits. While the defendant therein, herein respondent corporation, alleged that the total cost of the production of the film was not only P70,000.00 as previously estimated, but P101,424.86; that every item of expense is supported by invoices and vouchers; that the more than six months' showing of the film in different theaters would require the report of the ticket sellers; and that the statement of account covering all income and expenses would demand the intervention and testimony of public accountants. It is therefore indisputable that the respondent judge on his

own motion and even without the consent of the parties, could have legally referred the aforementioned civil case to the commissioner directing the latter to hear and report upon the entire issue, pursuant to section 2 of the rule aforesaid.

WHEREFORE, the instant petition is denied and dismissed, with costs against the petitioner.

IT IS SO ORDERED.

Dizon and Peña, JJ., concurred.

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NO MONEY?

A famous lawyer was called in to see a man in the county jail accused of murder.

When he returned to his office, his secretary said, "Well, did you take the case, Mr. Blank?"

"No, I didn't take it."

"Why, didn't you think the man was justified in his acts?"

"My dear young lady," said the lawyer, "he certainly was not financially justified in committing murder." — *Naples (N.Y.) Record.*

NONE WHATSOEVER

Judge: This is a malpractice case, and the defendant is a doctor. Does that create any bias or prejudice in you in any respect because the defendant is of that profession?

Juror: No, Your Honor.

Judge: What is your occupation?

Juror: Undertaker. — *Minnesota Bulletin.*