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NORMAN MANLEY LAW SCHOOL  
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LEGAL EDUCATION CERTIFICATE  
SECOND YEAR SUPPLEMENTARY EXAMINATIONS, 1989

FOR REFERENCE ONLY

CIVIL PROCEDURE AND PRACTICE II

(Monday, August 21, 1989)

Instructions to Students

- a) Time: 3½ hours
  - b) Answer THREE questions from PART A and TWO questions from PART B
  - c) Questions selected from PART B must be answered on a separate sheet
  - d) In answering any question a student may reply by reference to the Law of any Commonwealth Caribbean Territory, but must state at the beginning of the answer the name of the relevant Territory.
  - e) It is unnecessary to transcribe the questions you attempt.
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QUESTION 1

On what grounds and at what stages in an action may a defendant apply for further and better particulars of his opponent's pleadings?

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QUESTION 2

Discuss three instances in which costs may be obtained without an order of the Court.

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QUESTION 3

Name three methods of enforcing a judgment for the payment of money and outline the procedure on each.

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QUESTION 4

"It is the traditional law that justice must be administered openly in the face of all men and this is an almost priceless inheritance".  
Explain the above quotation with reference to decided cases.

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QUESTION 5

"Materiality of purpose of disclosure is a concept not restricted to documents which would be evidence on any issue in the case".  
Explain.

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PART B

QUESTION 6

For over ten years, William, Black, Green and Gold carried on in partnership the old established architects' firm of Procope & Company, but did not comply with the requirements of the Registration of Business Names Act.

The Partnership Deed states, inter alia:

- (i) no partner has authority to order goods exceeding \$500 in value without the consent of the other partner;
- (ii) if any partner retires, he is not, for a period of 15 years, to practise as an architect within twelve miles of Kingston;
- (iii) the partnership shall not be dissolved by the retirement of any partner.

(a) In June 1987, Green ordered stationery to the value of \$1,000 from Stationery Supplies Ltd., who are pressing the firm for payment.

(b) In January 1987, Gold bribed a secretary in Ace and Company, a rival firm of architects, to give Procope and Company some confidential information and they are now threatening to sue them.

(c) On March 1, 1988, Green said that he wanted to introduce his son into the partnership, but Williams does not like him and would not want him in the firm.

(d) In February 1988, Gold retired and has since practised as a draughtsman within ten miles of Kingston.

(e) Since February 1988, Green has devoted all his working time and attention to a property development scheme owned by his father and all the work of the firm has fallen on Black and Williams.

Draft the appropriate legal documents to institute proceedings on behalf of:

- (i) Williams;
- (ii) Ace and Company;
- (iii) Stationery Supplies Ltd.

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QUESTION 7

Outline the procedural steps to achieve any THREE of the following:

- (i) increase share capital;
  - (ii) expulsion of a member from a club;
  - (iii) admission of a new partner to a firm;
  - (iv) voluntary winding-up of a company;
  - (v) issuance of bonus shares.
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QUESTION 8

Your client has a judgment debt for \$10,000 inclusive of costs against Agro Ltd.

Draft a petition for winding-up the company.

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QUESTION 9

Outline the procedural requirements for commencing legal proceedings by and against:

- (i) a club;
  - (ii) a partnership.
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