Which of the following items is hearsay?

1. On the issue whether X and D were engaged to be married, D's statement to X, "I promise to marry you on June 1, 1931."

2. On the issue of the sanity of D, a woman, D's public statement, "I am the Pope."

3. On the issue of D's adverse possession of Blackacre, D's assertion "I am the owner of this farm."

4. On the issue of X's provocation for assaulting Y, D's statement to X, her husband, "Y ravished me."

5. On the issue of D's consciousness after the attack, D's statement, "X shot me, as he often threatened to do."

6. On the issue of identity of the shooter, D's statement in 5.

7. On the issue whether X made threats to shoot D, D's statement in 5.

8. On the issue of X's knowledge of speedily impending death, D's statement to X, "You have only a few minutes to live."

9. In 8, X's out of court statement, "I realize that I am dying."

10. On the issue whether a transfer of a chattel from D to X was a sale or gift, D's statement accompanying the transfer, "I am giving you this chattel as a birthday present."

11. On the issue in 10, D's statement the day following the transfer, "I gave you the chattel as a birthday present."

12. On the issue of damages to the family reputation in an action for the seduction of P's daughter, her reputation for chastity.

13. On the issue of D's ill-feeling toward X, D's statement, "X is a liar and a hypocrite."

14. On the issue of Y's reputation, known to X, as a violent, quarrelsome man.

15. On the issue of D's reputation as a gangster, known to X.

16. On the issue of reasonableness of X's conduct, in the shooting of Y by X, D's statement to X, "Y has threatened to kill you on sight."

17. On the issue in 16, Y's reputation, known to X, as a quiet, peace-loving citizen.

18. Action for malicious prosecution of P by X on the charge of murdering Y. On the issue of probable cause, P's reputation as a gangster, known to X.

19. In 18, Y's reputation, known to X, as a quiet, peace-loving citizen.

* In each of the following questions concerning a statement made by D, that statement is of course, made out of court.
20. On the issue of the terms of a contract with T negotiated by D, D's statement "I am making this offer to you, as the agent of P."

On the issue whether D was the agent of P, the statement in 20.

22. As tending to prove that X was suffering from tuberculosis, the fact that D, a physician, ordered X to a tuberculosis sanitarium for six months, concealing from X and X's relatives the character of the hospital.

23. As tending to prove X's honesty, the mere fact that D, X's employer, promoted him from the position of order clerk to cashier.

24. As tending to prove D's guilt of the crime of killing X, the fact that D fled under suspicious circumstances immediately after X's murder, in order to draw suspicion upon himself.

25. As tending to prove X's insanity, the fact that he was confined in an insane asylum.

26. As tending to prove forgery of a will by X, D's angry statement to X, "Well, I never forged a will, anyway!"

27. As tending to prove D's guilt of a particular criminal act, the fact that D fled under suspicious circumstances immediately after the criminal act was committed, solely in order to escape.

28. On the issue whether a transfer of a chattel from D to X was a sale or a gift, D's statement accompanying the transfer, "Here is your birthday gift."

29. As tending to prove that X was suffering from disease T, the mere fact that D, a physician, treated him for disease T.

30. On the issue of D's adverse possession of Blackacre, D's statement, "I paid X $5000 for this farm."

31. To show that X was ill, W offers to testify that X complained of pain in his chest.

32. In a contest of a will on ground of forgery, to show testator's feelings toward X, the sole legatee, W offers to testify that testator had X arrested for forgery.

33. In 32, for the same purpose, W offers to testify that testator falsely charged X with the crime of bigamy under such circumstances that testator must have known the charge to be false.

35. Action for $500, the price of an automobile. Plea, payment. On the issue of payment, W offers to testify that he saw defendant hand plaintiff a $500 bill, and say: "This is the payment for that car."
In 35, on the issue of payment, W offers to testify that on the following day plaintiff said to defendant: "I was glad to be able to pay you cash for that car."

37. Action for conversion of an automobile. To prove value, plaintiff offers a receipt for the purchase price, $5000, signed by the dealer from whom he bought it.

38. Action for personal injuries by a guest in an automobile against the owner. Defense, contributory negligence and assumption of risk. W offers to testify that an hour before the accident, in the presence of plaintiff, defendant, a mechanic said: "The spindle on that front wheel may break at any moment." If offered to show the spindle defective.

39. The testimony is 38 offered as tending to show assumption of risk.

40. As tending to show that D had never repaid a loan, W offers to testify that P hired W to collect the sum from D.

44. As tending to show that D had a revolver at an affray, W offers to testify that as D passed W's house, W called his wife's attention to a revolver sticking out of D's pocket.

48. W testified that he saw D do act X, and offers to testify: "I told M within one hour after the event that I had seen D do act X." Offered to show D's conduct.

50. W testified that he saw D do act X, could not remember the date, but within an hour thereafter reported to M. M offers to testify that at 3:30 p.m. of June 1, 1944, W told M that he had just seen D do act X. M's testimony is offered to fix the time.

51. To prove that the defendant committed the crime, the prosecution offers a confession made to police officers.

52. To prove that the defendant committed the crime, the prosecution offers evidence that the defendant remained silent after being arrested for the crime.

53. To prove that the defendant committed the crime, the prosecution offers into evidence a certified copy of a prior judgment of conviction for the same offense.

54. To prove that the defendant committed the crime, the prosecution offers a witness to testify that he was present and observed the jury return a verdict of guilty in a prosecution of the defendant for a similar prior offense.

55. To prove that her husband was insane, a wife offers evidence that he lived in a nest in the top of a tree for the last five years.

56. In an action for breach of contract, the plaintiff offers into evidence an advertisement conceded to be that of the defen-
To prove that the defendant committed a crime, the prosecution offers evidence that the F.B.I. offered a reward for his capture.

In an heirship proceeding, the claimant testifies that the deceased was his father.

To prove paternity, the plaintiff offers evidence that the defendant referred to the child as "my son."

To fix the time of a murder, the prosecution offers a witness who testifies that minutes after he heard the shot, he heard a clock chime three times.

To prove adultery, the husband offers proof that a house guest after a visit had described to one of his cronies a birthmark that the accused wife has on an intimate part of her anatomy. The existence of the mark has previously been tested to by the husband while the wife has testified that only her parents and her husband knew of the mark.

To prove that a couple is married, a witness is offered to testify that he heard the exchange of nuptial vows.

To prove notice of a defect in the defendant's car in a personal injury suit, the plaintiff introduces evidence of the defendant's past attempts to repair his car.

In a common disaster case, in order to establish survivorship, evidence is offered that after the accident one of the victims was heard to cry: "I'm alive."

In a prosecution for the theft of valuable homing pigeons, evidence is offered that when the defendant's pigeon coop was opened, all of the birds flew to the home of the victim.

In a prosecution for sale of pornography, the prosecution offers one hundred letters sent to the defendant's post office box, each of which says, in substance: "Send me some of those dirty books."

Personal injury case. To show pain and suffering, plaintiff calls a nurse who testifies that the plaintiff was screaming when he was brought to the hospital.

In a divorce case, after the husband has testified that his wife was always nagging him at the top of her voice, the wife calls a neighbor to testify that she never heard any nagging.

In a paternity suit, the mother takes the stand and when asked to identify the father of her child, she points to the defendant.

To prove that defendant is the father of her child, the mother offers a letter in evidence from defendant's attorney in which the attorney states that his client has admitted he is the father of the child.
71. **Personal injury litigation.** Plaintiff testifies that there was a sign facing the intersection toward the direction that the defendant had come from without stopping and that sign said: "STOP".

72. To prove that the insured under a life policy is dead, his wife offers a death certificate.

73. In a plagiarism suit, the plaintiff testifies that he caught the defendant in his apartment copying portions of the plaintiff's typed manuscript in longhand on a sheet of paper.

74. **Murder prosecution.** To support a self-defense claim, defendant introduces witnesses who testify that before the killing defendant told them he was afraid of the victim.

75. To show that defendant was home and thus could have killed his wife the prosecution calls her paramour who testifies that when hubby was gone and the coast was clear, the wife always pulled down a shade on a particular window but when he was home the shade was always open. The prosecution calls a neighbor who testifies that on the night of the murder the shade was open.