715

EXPERTS, continued.	SECTION.
to explain terms of art.	980
to explain provincialisms,	
to what matters they may give opinions 287, n., 440,	576, 580, n.
F.	
Eller William	
FACTOR. (See Agent.)	
recognition by, in proof of pedigree	103, 104, 134
(See HEARSAY. PEDIGREE.)	4-
FELONY,	
conviction of, incapacitates witness	. 373
(See Witnesses.)	CYLES GIVE
FIXTURES,	
what are	. 271
FLEET BOOKS. (See Public Books.)	MET STATE
FORCIBLE ENTRY,	
tenant incompetent as a witness	. 403
(See Witnesses.)	Philipp In
FORCIBLE MARRIAGE,	
wife competent to prove	. 343
FOREIGN COURTS. (See Public Records and Documents	
RECORDS AND JUDICIAL WRITINGS	。由我们发生一
FOREIGN JUDGMENTS,	
of infamy, do not go to the competency	. 376
proof of	. 514
in rem, effect of	543 - 545
in personam	545 - 549
(See RECORDS AND JUDICIAL WRITINGS.)	
FOREIGN LAWS,	兴 (罗)福建建。
proof of .	. 486, 488
(See Public Records and Documents.)	公司是理禁 。
FOREIGN STATES. (See Judicial Notice. Public Record	OS AND
DOCUMENTS. RECORDS AND JUDICIAL WRITINGS.)	
	对证明的工艺的 。
conviction of, incapacitates witness	. 373, 374
FRAUD, (See Witnesses.)	
	上西北京河南。
general presumption against	34, 35, 80
FRAUDS, (See PRESUMPTIONS.)	5年 月本
statute of	THE PARTY.
是是一个一个人,只是一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个	262-274
(See Writings.)	Section of the section of

G. Sunday J.	Section.
GAME LAWS,	
want of qualifications under, must be proved by the affirm	ant . 78
GAZETTE,	
in what cases admissible	. 492
(See Public Records and Documents.)	
GOVERNMENT,	2000
	8, 491, 492
(See Public Records and Documents.)	5.51年表表
GOVERNOR,	071
of a State or Province, when not bound to testify .	. 251
provincial, communications from, privileged .	. 251
(See Privileged Communications.)	
GRAND JURY,	. 252
transactions before, how far privileged	. 232
(See Privileged Communications.)	
GRANT,	. 45
when presumed	. 17
GUARDIAN, admissions by	. 179
GUILTY POSSESSION,	
evidence of	. 34, 35
Cylindric of west was a west with a second s	
Control of the state of the sta	
HABEAS CORPUS,	
ad testificandum	. 312
(See Witnesses.)	
HANDWRITING,	
attorney competent to prove client's writing	. 242
proof of, in general	. 576 - 581
(See Private Writings.)	
HEARSAY,	
what it is	. 99, 100
what is not hearsay	
information, upon which one has acted .	. 10
conversation of one whose sanity is question	
answers given to inquiries for information	
general reputation	. 10
expressions of bodily or mental feelings	. 10
complaints of injury, recenti facto	. 10
declarations of family, as to pedigree . 1	
inscriptions · · · · · · · · · · · · · · · · · · ·	. 10

EARSAY, continued.	2010	
declarations accompanying and qualifying an ac	t	
done .	108	109
in disparagement of title	stice house	109
of other conspirators	A STATE OF	111
of partners		112
of agents	113	
entries by third persons	-117	190
indorsements of partial payment .	191	199
when, and on what principle, hearsay is rejected	121,	195
when admissible, by way of exception to the rule.	121,	123
1. in matters of public and general interest.	198	140
restricted to declarations of persons	120-	140
since dead		120
and concerning ancient rights	SA TOPAC	130
ante litem motam	131	
situation of the declarant .	Nicot I	195
why rejected as to private rights	NO. TABLE	199
as to particular facts		190
includes writings as well as oral declarations	7 / 10 m	100
admissible also against public rights		140
2. in matters of ancient possessions .	1/1	140
boundaries, when	141-	140
perambulations	140	146
3. declarations against interest	147	155
books of bailiffs and receivers	141-	150
private persons	7	150
the rule includes all the facts related in		100
the entry		150
the party must have been a competent	Sea enco	102
witness .		159
in entries by agents, agency must be		199
proved .		154
books of deceased rectors. Are		1
4. dying declarations	150	100
principle of admission	156	102
declarant must have been competent to	130 -	199
testify		LEO
circumstances must be shown to the cour		159
in writing must be produced		161
weakness of this evidence		Carlo Carlo
of husband or wife, when admissible		162
against the all	245	140
	345, 3	646

	SECTION.
HEARSAY, continued.	3-166
5. testimony of witnesses since deceased . 16 whether extended to case of witness	9
	163, n.
SICK OF WOLDER	. 164
must have been a right to cross-examine	. 165
the precise words need not be proved may be proved by any competent witness	12 15 17 15 15 W
	67, 168
	07, 100
declarations and replies of persons referred	. 182
to, admissible of interpreters	183
	TIVEVE
HEATHEN,	. 371
not incompetent as a witness, and how sworn	BINESSE
HEIR,	. 390
apparent a competent witness for ancestor .	392
when competent as witness	SINIVE
HERALD'S BOOKS,	105, n.
when admissible .	
HIGHWAY,	
judgment for non-repair of, when admissible in favor of	. 534
other defendants	N. HOYL
HISTORY,	. 497
public, when admissible	是这世界的
HOMICIDE,	. 34
when malice presumed from	
HONORARY OBLIGATION,	. 388
does not incapacitate witness	KARIS
HOUSE.	
HUSBAND AND WIFE,	. 28
intercourse between, when presumed	28
admissions by wife, when good against husband	. 185
communications inter sese, privileged	254, 334
no matter when the relation begun or ended .	. 336
wife competent witness after husband's death, when	. 338
none but lawful wife incompetent as witness	. 339
whether husband's consent removes incompetency	. 340
rule applies when husband is interested	341, 407
competent witness in collateral proceedings	. 342
exceptions to the rule in favor of wife	343, 344
rule extends to cases of treason, semb.	. 345
wife not competent witness for joint conspirators with her	
husband	. 407
Husband .	

I.	ELCTION .
IDENTITY,	
proof of, when requisite	381, 493, 575, 577
IDIOT, by attorney	245
incompetent as a witness	200
INCOMPETENCY. (See WITNESSES)	. 365
INCORPOREAL RIGHTS,	March Street Street Street
how affected by destruction of deed	. 568
INDEMNITY,	. 300
when it restores competency	420
INDICTMENT,	£ 2900 1 mm
inspection and copy of, right to INDORSEE,	. 471
how affected by admissions of indorser	. 190
(See Admissions)	. 190
INDORSEMENT,	
of part payment, on a bond or note	. 121, 122
INDORSER,	The second second second
when a competent witness	190, 383, 385
INDUCEMENT, (See WITNESSES.)	DATE:
	. Titeltrank
when it must be proved	. 63, n.
renders a witness incompetent	AND REPORTED IN
how removed	. 372 – 376
	377, 378
INFANCY, (See Witnesses.)	
proof of, rests on the party asserting it	A108681-10
(See Onus Property	. 81
ERIOR COURTS,	Sales Sales
inspection of their records	A STATE OF THE STA
proof of their records	. 473
(See Public Records and Documents. Records	513
	AND
TITIDEL,	
incompetent as a witness	. 368 - 372
NFORMER, (See Witnesses.)	2000-012
competency of, as a witness	. 412-415
NHABITANT, (See Witnesses.)	A COMMENT
admissions by	roll de la
The state of the s	. 175

(ASIMS)	SECTION.
JEW.	
how to be sworn	. 371
JOURNALS. (See Legislature.)	According to the second
JUDGE,	Townson and the
his province	49, 160, 219, 277, n.
	. 166, 249, 364
his notes, when admissible	. 166
JUDICIAL NOTICE,	THE PRINCE A PRINCE OF
of what things taken	4, 5, 6
JUDGMENTS. (See Records and Judicial WRITI JURISDICTION.	INGS.)
of foreign courts must be shown	FIGURE
(See Records and Judicial Writin	540, 541
JURORS.	NGS.)
their province	49, 160, 219, 277 p
	252, 252 a, 363, n.
JOINT OBLIGOR,	200, 200 u, 000, II.
competency of	
Large Tolker and the population of the populatio	W. The state of
K.	Managar Ju
KINDRED. (See Family. Hearsay. Pedigree)	A TARKE
(See Pamily. HEARSAY. FEDIGREE)	SALES OF THE SALES
I have been in the	
LARCENY,	A FILE STATE OF
presumption of, from possession, when	. 11, 34
(See Presumptions. Guilty Possess	SION.)
LAW AND FACT	49
LEADING QUESTIONS,	
what, and when permitted	. 434, 435, 447
LEASE.	DESCRIPTION OF THE PROPERTY OF THE PERSON OF
when it may 1 1 1	HA PROMISE TO THE
when it must be by writing	. 263, 264
LEGAL ESTATE,	. 294
conveyance of, when presumed	
LEGATEE,	. 46
	• • 40
	ogulaçõe de la companya de la compan
when competent as a witness LEGISLATURE,	. 392
when competent as a witness LEGISLATURE, transactions of, how proved	392
when competent as a witness LEGISLATURE, transactions of, how proved (See Public Records and Document	480, 481, 482
when competent as a witness LEGISLATURE,	480, 481, 482

INDEX.	721
LEGITIMACY,	SECTION.
when presumed	00
LESSEE,	. 28
identity of with lessor, as party to suit	-0-
LESSOR.	535
of plaintiff in ejectment, regarded as the real party .	. 535
LETTERS.	. 555
parol evidence of contents of	. 87, 88
proof of by letter-book	. 116
cross-examination as to . 88, 89, 463, 464	
addressed to one alleged to be insane	. 101
written by one conspirator, evidence against others .	. 111
of wife to husband, when admissible	. 102
whole correspondence, when it may be read	201, n.
prior letters, by whom they must be produced .	201, n.
(See Evidence. Hearsay. Parol Evidence. Witnessi	
LETTERS ROGATORY,	-5.)
what .	. 320
LIABILITY OVER,	
its effect on competency of witness	393 - 397
(See Witnesses.)	CONTRACTOR
LIBEL,	
published by agent or servant, liability of principal for	36, 234
LICENSE,	
must be shown by the party claiming its protection .	. 79
LIS MOTA,	
what, and its effect	131 - 134
LLOYD'S LIST,	
how far admissible against underwriters	. 198
LOG-BOOK,	
how far admissible	. 495
LOSS,	
of private writings, proof of	. 558
	84, n., 508
(See Evidence. Private Writings. Records and Judicial V	VRITINGS.)
LUNACY,	
when presumed to continue	. 42
inquisition of, its admissibility and effect	. 556
THE RESERVE OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED IN COLUMN TW	
M.	NA PERIO
MAGISTRATE,	2, 224, 227
	0, 224, 221
(See Confessions of Guilt.)	
vol. 1. 61	

INDEX.

MALICE,	AND THE PERSON
when presumed	. 18
MALICIOUS PROSECUTION,	
testimony of defendant given before grand jury, admissible	le in 352
judgment of acquittal, when admissible in	. 538
copy of judgment of acquittal, whether plaintiff entitled t	0 471
MALICIOUS SHOOTING,	THE PROPERTY.
wife competent to prove	, 343
MAPS,	PRINTER.
when evidence	. 139
MARRIAGE,	
whether provable by reputation	. 107
forcible, wife admissible to prove	. 343
second, in case of polygamy, by whom proved .	. 339
and time of, included in pedigree	. 104
when presumed, from cohabitation	. 27, 207
foreign sentences as to, effect of	544, 545
proof of	3, 484, 493
(See Husband and Wife. Public Records and Docu	• 195 (5)
MENTS. RECORDS AND JUDICIAL WRITINGS.)	
MASTER,	
when servant witness for	. 416
when not	. 396
MEDICAL WITNESS,	SERVICE.
not privileged	. 248
may testify to opinions, when	. 440
MEMORANDUM, when not	. 441
to refresh memory of witness	
(See Witnesses.)	436 – 439
MISTAKE,	SHOWING.
admissions by, effect of	. 206
of law apparent in a foreign judgment, effect of	547, n.
MIXED QUESTIONS	. 49
(See Judge. Jurors.)	. 49
MONUMENTS, (See Boundary. Inscriptions.)	CT 1880
MURDER,	
when malice presumed	. 18
The second secon	. 10
NAVY OFFICE, N.	
books of	
	493
NEGATIVE, (See Public Records and Documents.)	
when and by whom to be proved	* 0 01
(See Onus Probandi.)	78 – 81
LOBANDI.)	· and

Agent.	Section.
NOLLE PROSEQUI,	
	356, 363
(See Witnesses.)	
NON-ACCESS,	
husband and wife, when incompetent to prove	28, 253
NOTICE,	
	60 - 563
(See Private Writings.)	
NOTORIETY,	
general, when evidence of notice	. 138
whether noticeable by a Judge	364
NULLUM TEMPUS OCCURRIT REGI,	
when overthrown by presumption	. 45
Ald the same of the state of the same of t	
0.	
The fire and a second of the property of the second of the	
OATH,	
its nature	. 328
in litem, when admissible	The state of the s
how administered	. 371
OBLIGEE,	
release by one of several, binds all	. 427
(See Witnesses.)	
OBLIGOR,	
release to one of several discharges all	. 427
(See Witnesses.)	
OFFICE,	
appointment to, when presumed	83, 92
OFFICE BOOKS, (See Public Records and Documents.)	
OFFICER,	
de facto, primâ facie proof of appointment	83, 92
OFFICIAL COMMUNICATIONS,	
when privileged	249 - 252
(See Privileged Communications.)	
ONUS PROBANDI,	
devolves on the affirmant	. 74
on party producing a witness deaf and dumb	. 366
on party alleging defect of religious belief .	. 370
in probate of wills	77
exceptions to the rule —	
1. when action founded on negative allegation	
2. matters best known to the other party	. 79
3. allegations of criminal neglect of duty	. 80
4. other allegations of a negative character	. 81
Control of the second s	

INDEX.

OPINION,
when evidence of it is admissible . 440, 576, 580, n.
(See Experts.)
OVERT ACT,
proof of, in treason
OWNER,
of property stolen, a competent witness
proved by possession
and the second s
PAPERS,
private, when a stranger may call for their production . 246
(See Private Writings.)
PARDON,
its effect to restore competency 377, 378
(See Witnesses.)
PARISH,
boundaries, proof of
judgment against, when evidence for another parish 534
DOOKS
(See Public Records and Documents. Boundaries.)
rated, admissions by .
PARLIAMENT,
proceedings in how for in 1 control
proceedings in, how far privileged from disclosure . 251, n. AROL EVIDENCE,
its admissibility to explain writings
principle of exclusion
the rule excludes only evidence of language
in what sense the words are to be understood
the rule of exclusion is applied only in suits between the parties 279
does not exclude testimony of experts . 280
illustrated by examples of exclusion . 281
does not exclude other writings
is admissible to show the written contract originally void
for want of consideration . 984 204
iraud . 984
illegality
incapacity or disability of party
want of delivery
to explain and contradict recitals, when
to ascertain the subject, and its qualities,
. 286 – 288, 301

	PAROL EVIDENCE, continued.	SECTION.
	these rules apply equally to wills	289 - 291
	Mr. Wigram's rules of interpretation of wills	287, n.
	of any extrinsic circumstances admissible	. 288
	of usage, when and how far admissible 292,	293, 294
	to annex incidents, admissible	. 294
	whether admissible to show a particular sense given to com	10000000000000000000000000000000000000
	mon words	. 295
	admissible to rebut an equity	296
	to reform a writing	296 a.
	to explain latent ambiguities	297 - 300
	to apply an instrument to its subject .	
	to correct a false demonstration	
	to show the contract discharged	
	to prove the substitution of another contract by	
	parol	303, 304
	to show time of performance enlarged or dam-	
	ages waived	. 304
	to contradict a receipt, when	305
	PARSON,	
	entries by deceased rector, &c.	770
	when admissible	. 155
	(See Hearsay.)	
	PARTICEPS CRIMINIS,	
	admissible as a witness	. 379
	PARTNERS,	
	mutually affected by each other's acts	
	when bound by new promise by one, to pay a debt barred	
	by statute	112, n.
-		07, 527 a.
	(See Witnesses.)	
	PARTNERSHIP, (See Partners.)	
	PARTIES,	220 220
		329, 330
		348 – 363
	(See Witnesses. Admissions.)	
	PAYEE,	383 - 385
	admissibility of, to impeach the security (See Witnesses.)	000 - 000
	PAYMENT,	302 - 305
	provable by parol	408 - 430
	(See Witnesses.)	100-400
	61*	

PAYMENT INTO COURT,	SECTION.
when and how far conclusive	. 205
PEDIGREE,	. 203
what is included in this term	. 104
proof of	103 - 105
(See Hearsay.)	100 100
PERAMBULATIONS,	
when abut 11 · · · · · · · · · · · · · · · · · ·	. 146
PERJURY,	
what amount of evidence necessary to establish . PERSONALTY,	. 257-260
what is, though annexed to land	. 271
PHYSICIANS,	. 2/1
generally bound to disclose confidential communications	040
(See Privileged Communications.)	. 248
PLACE,	
when material or not	60 69 65
PLAINTIFF,	, 02, 03, 03
when admissible as a witness	0 961 550
(Nee WITNESORS)	19, 301, 338
PLEAS AND PLEADINGS. (See ALLEGATIONS)	
TOSSESSION,	
character of, when provable by declarations of possessor	. 109
(See Hearsay.)	
when evidence of property	. 34
(See Presumptions)	
whether necessary to be proved under an engine 1-1	91 144
The state of the s	. 21, 144
books .	101
(See Public Records AND Doggers	. 484
The state of the s	
what	17
in the bloot of	200
	71, 72 56 50
TARECULIVE. FRIVILEGED CONSTRUCTION	ne l
of law, conclusive, on what founded .	14 15
, now declated .	70
prescription .	100000000000000000000000000000000000000
auverse enjoyment	
nom use of deadly weapon	#20 m
Judicial proceedings	10 997
consideration of bond	10, 221
	. 10

PRESUMPTIONS, continued.	SECTION.
formality of sales by executors, &c.	20
but not of matters of re	
ancient documents . 21, 143,	
genuineness and integrity of deeds	
authority of agent	
as to estoppels by deed	
by admissions .	. 27
by conduct	27
as to capacity and discretion	28, 367
legitimacy	28
coercion of wife by husband .	. 28
survivorship	29, 30
	. 31
performance of duty	227
from spoliation of papers	. 31
principle and extent of conclusive presumptions	s of
law	31, 32
disputable, nature and principles of	. 33
of innocence	34, 35
except in case of libel, and when	. 36
of malice	34
of lawfulness of acts	. 34
from possession	34
from guilty possession	. 34
destruction of evidence	37
fabrication of evidence	. 37
usual course of business	38, 40
non-payment twenty years	. 39
of continuance	41
of life, not after seven years' absence, &c.	. 41
of continuance of partnership, once proved .	
of opinions and state of mind	42, 370
of capacity and discretion in children .	. 367
in witnesses deaf a	
dumb	366
of religious belief in witnesses	. 370
of international comity	. 43
of fact, nature of	. 44
belong to the province of the jury	. 44
when juries advised as to, by the Court .	45-48
PRINCIPAL DEBTOR,	***
when his admissions bind the surety	. 187

PRINCIPAL FELON,	SEC	CTION.	
accessary not a competent witness for		407	
PRISON BOOKS.		10,	
when and for what purposes admissible		493	
(See Public Records and Documents.)	The second	100	
PRISONER OF WAR,		-	
mode of procuring attendance of, as a witness		312	
PRIVATE WRITINGS,	1000	312	
contemporaneous, admissible to explain each other		283	
proof of, when lost	557		
diligent search required .	551,	558	
production and inspection of, how obtained		559	
notice to produce		560	
when not necessary .		561	
how directed and served	561,	STATE OF THE PARTY	
when to be called for	501,	563	
alteration in, when to be explained	2 3 4	564	
when presumed innocent		564	
to be tried ultimately by the jury .		564	
a deed, renders it void			
reasons of this rule		565 565	
alteration and spoliation, difference between			
by insertion of words supplied by law .		566 567	
made by the party, immaterial and without fram	nd	307	
does not avoid	ıu,	F.CO .	
alteration made by party, with fraud, avoids	1300	568	
but does not divest estate		568	
defeats estates lying in gr		568	
destroys future remedies		568	
made between two parties to an indenture, but i	and the same of	568	
affecting the others			
proof of, must be by subscribing witnesses, if any	080	568	
exceptions to this rule —	212,	569	
1. deeds over thirty years old		-	
2. deed produced by adverse party claiming under i		570	
3 Witnesses not to be bed		571	
4. office bonds		572	
subscribing witness, who is		573	
diligent search for witnesses required		569	
secondary proof, when witness not to be had 8	THE REAL PROPERTY.	574	-
handwriting, how proved 8			
personal knowledge of required	272,	576	
personal knowledge of required	1000	577	
exceptions to this rule comparison of handwriting, by what other papers			
or handwriting, by what other papers	579 -	582	

PRIVIES.	Section.
who are privies	190, 211
PRIVILEGE OF WITNESS,	A STATE OF THE PARTY OF THE PAR
from arrest	. 316
from answering	
PRIVILEGED COMMUNICATIONS,	
1. made to legal counsel, — principle of exclusion .	. 237
who are included in the rule, as counsel	239, 241
nature of the communication	
extends to papers intrusted with counsel .	. 240
not to transactions in which the counsel was also party	
protection remains forever, unless waived by the party	
	. 244, 245
when title deeds and papers of one not a party, may	The second second second
called out of the hands of his agent	. 246
2. made to clergymen, how far privileged .	
3. made to medical persons and other confidential friends	
	. 248
4. arbitrators, not bound to disclose grounds of award	. 249
5. secrets of State	,250, 251
6. proceedings of Grand Jurors	
	254, 334
PRIZE, foreign sentence of condemnation as	. 541
PROBATE COURTS,	. 541
decrees of, when conclusive	518 550
PROCHEIN AMY,	310, 330.
admissions by	. 179
inadmissible as a witness	347, 391
PROCLAMATIONS,	
proof of	. 479
evidence of what	. 491
PRODUCTION OF WRITINGS,	
private, how obtained	559 - 563
(See Private Writings.)	
PROMISSORY NOTE,	
parties to, when competent to impeach it	383 - 385
(See Witnesses.)	
PROOF,	
defined	. 1
PROPERTY,	
when presumed from possession	. 34
PROSECUTOR,	
when competent as a witness	. 362