

THE INDIAN EVIDENCE ACT, 1872

[Act 1 of 1872, dt. 15-3-1872]¹

*[As amended by the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019),
dt. 9-8-2019, w.e.f. 31-10-2019 vide SO 2889(E), dt. 9-8-2019 and the Criminal
Law (Amdt.) Act, 2018 (Act 22 of 2018), dt. 11-8-2018, w.e.f. 21-4-2018]*

WHEREAS it is expedient to consolidate, define and amend the Law of Evidence,
it is hereby enacted as follows:—

PART I

RELEVANCY OF FACTS

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement

This Act may be called the Indian Evidence Act, 1872.

It extends to the whole of India ²[xxx] and applies to all judicial proceedings in or before any court, including Courts-martial, ³[other than Courts-martial convened under the Army Act (44 and 45 Vict., c. 58)] ⁴[the Naval Discipline Act (29 and 30 Vict., c. 109)] or ⁵[xxx] ⁶the Indian Navy (Discipline) Act, 1934 (34 of 1934), ⁷[or the Air Force Act (7 Geo. 5, c. 51)] but not to affidavits presented to any court or officer, nor to proceedings before an arbitrator;

And it shall come into force on the first day of September, 1872.

2. Repeal of enactments

[Repealed by the Repealing Act, 1938 (1 of 1938)]

3. Interpretation clause

In this Act, the following words and expressions are used in the following senses, unless a contrary intention appears from the context:—

“Court” : “Court” includes all Judges and Magistrates and all persons, except arbitrators, legally authorised to take evidence.

“Fact” : “Fact” means and includes—

- (1) any thing, state of things, or relation of things, capable of being perceived by the senses;
- (2) any mental condition of which any person is conscious.

1 The Act has been extended to Goa, Daman and Diu by Reg. 11 of 1963, extended to and brought into force in Dadra and Nagar Haveli by Reg. 6 of 1963, w.e.f. 1-7-1965 and to the whole of the Union Territory of Lakshadweep by Reg. 8 of 1965, w.e.f. 1-10-1967. The Act came into force in Pondicherry on 1-10-1963 vide Reg. 7 of 1963.

2 Words “except the State of Jammu and Kashmir” omitted by the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019), dt. 9-8-2019, w.e.f. 31-10-2019 vide SO 2889(E), dt. 9-8-2019.

3 Inserted by Act 18 of 1919.

4 Inserted by Act 35 of 1934.

5 Words “that Act as modified by” repealed by the Adaptation Laws Order, 1950.

6 Now refer to the Navy Act, 1957 (64 of 1957).

7 Inserted by Act 10 of 1927.

Illustrations

- (a) That there are certain objects arranged in a certain order in a certain place, is a fact.
- (b) That a man heard or saw something, is a fact.
- (c) That a man said certain words, is a fact.
- (d) That a man holds a certain opinion, has a certain intention, acts in good faith or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.
- (e) That a man has a certain reputation, is a fact.

"Relevant" : One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

"Facts in issue" : The expression "facts in issue" means and includes—

Any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature or extent of any right, liability or disability, asserted or denied in any suit or proceeding necessarily follows.

Explanation : Whenever, under the provisions of the law for the time being in force relating to civil procedure, any court records an issue of fact, the fact to be asserted or denied in the answer to such issue is a fact in issue.

Illustrations

A is accused of the murder of B.

At his trial, the following facts may be in issue—

- that A caused B's death;
- that A intended to cause B's death;
- that A had received grave and sudden provocation from B;
- that A, at the time of doing the act which caused B's death, was, by reason of unsoundness of mind, incapable of knowing its nature.

"Document" : "Document" means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

Illustrations

- A writing is a document;
- Words printed, lithographed or photographed are documents;
- A map or plan is a document;
- An inscription on a metal plate or stone is a document;
- A caricature is a document.

"Evidence" : "Evidence" means and includes—

- (1) all statements which the court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry,

such statements are called oral evidence;

- (2) ¹[all documents including electronic records produced for the inspection of the court],

such documents are called documentary evidence.

“Proved” : A fact is said to be proved when, after considering the matters before it, the court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

“Disproved” : A fact is said to be disproved when, after considering the matters before it, the court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

“Not Proved” : A fact is said not to be proved when it is neither proved nor disproved.

²[“India” : “India” means the territory of India excluding the State of Jammu and Kashmir.]

³[The expressions “Certifying Authority”, ⁴“[electronic signature]”, ⁵“[Electronic Signature Certificate]”, “electronic form”, “electronic records”, “information”, “secure electronic record”, “secure ⁴[electronic signature]” and “subscriber” shall have the meanings respectively assigned to them in the Information Technology Act, 2000.]

COMMENTS

Court : Revenue officer is not a court.—*Depta Tiwari v. State of Bihar AIR 1988 Sum 14*

The authority under Payment of Wages Act, 1936 is not a court. Sec. 3 of Indian Evidence Act defining the term “court” defines it inclusively and only for the purposes of the Act.—*G. R. Wani v. G. M. Wani AIR 1980 NOC 166*

The word “court” and “Judge” are not synonymous. There cannot be the existence of court if there is no Judge, hence power to create a court includes the power to create the office of Judge for the court.—*Supreme Court Legal Aid Committee v. UOI 1994 (6) SCC 731*

Evidence : Where there is intentional causing of death by two of the accused persons, there is nothing to ignore the evidence of witnesses.—*Balbir Singh v. State of Punjab AIR 1991 SC 2231*

Proved : The word “proved” as defined does not empower the court considering matters and statements, the issuing of which is statutorily barred.—*Lattan v. State 1989 ALJ 75*

Where something is proved by direct evidence, it is not needed that motive be established.—*Gurmeet Singh v. State 1988 ALJ 1491*

It is fallacious saying that because a magistrate has found a prima facie case to issue process, that he believes the case to be true in the sense that the case proved. This all depends upon the evidence of witnesses and how credible they are.—*Balbir Singh v. Smt. Salochana Devi 1988 ALR 327*

The fact of witness being partisan is not enough to call for rejection of their evidence.—*State of UP v. Ram Swaroop AIR 1988 SC 1028*

¹ Substituted for “all documents produced for the inspection of the Court” by Information Technology Act, 2000 (21 of 2000), w.e.f. 17-10-2000.

² Substituted for the definition of “State” and “States” by Act 3 of 1951 which were earlier inserted by A.O. 1950.

³ Inserted by Information Technology Act, 2000 (21 of 2000), w.e.f. 17-10-2000.

⁴ Substituted for “digital signature” by the Information Technology (Amdt.) Act, 2008.

⁵ Substituted for “Digital Signature Certificate”, *ibid*.

In the case of possibility of the two views on the evidence adduced in case of circumstantial evidence, one pointing to the guilt of the accused and other to his innocence, the court should adopt the latter view favourable to the accused.—*Harendra Narain Singh v. State of Bihar AIR 1991 SC 1845*

Witnesses could be relied on where they are found to be truthful, natural and independent having no reason to falsely implicate the accused.—*Alma v. State of MP AIR 1991 SC 1519*

In factional disputes there is tendency that the persons belonging to other faction are implicated falsely. So that those who are innocent are not convicted the court are cautioned to scrutinise the evidence of such interested witnesses with great care and caution and separate the grain from the chaff after subjecting the evidence to a closer scrutiny and in doing so the statements of the FIR also will have to be scrutinised carefully.—*Tara Singh v. State of Punjab AIR 1991 SC 63*

Where accused suffers serious injury, the prosecution has to explain the satisfaction of the court as to the circumstances under which the occurrence originated. It is to be seen that the injuries are serious and severe and not merely superficial and must be shown to have been caused at the time of the occurrence in question.—*Jagdish v. State of Rajasthan 1979 SC 1010*

Evidence of police officers laying a trap is to be given the same treatment as evidence of accomplices. Where such evidence is found to be entirely trustworthy, there is no need to seek any corroboration.—*State of Gujarat v. Balardhali Madhabhai Zala 1995 Cri LJ 2588*

Evidence of eye-witness cannot be rejected merely on the ground that Investigation Officer had not put the date on which the statement of such witness was taken.—*Prithvi (Minor) v. Mam Raj AIR 2004 SC 2792*

Eye-witness stated that he could see the assailants because there was light on the spot coming from a bulb fitted in an electric pole near the chakki. The Investigating Officer did not include any electric pole in his site plan would not be a ground for rejection of evidence of injured witness.—*Prithvi (Minor) v. Mam Raj AIR 2004 SC 2729*

4. “May presume”

Whenever it is provided by this Act that the court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

“*Shall presume*” : Whenever it is directed by this Act that the court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

“*Conclusive proof*” : When one fact is declared by this Act to be conclusive proof of another, the court shall, on proof of the one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.

CHAPTER II

OF THE RELEVANCY OF FACTS

5. Evidence may be given of facts in issue and relevant facts

Evidence may be given in any suit or proceedings of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.

Explanation : This section shall not enable any person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being in force relating to civil procedure¹.

¹ Now refer to Code of Civil Procedure, 1908 (Act 5 of 1908).

Illustrations

- (a) *A* is tried for the murder of *B* by beating him with a club with the intention of causing his death.
At *A*'s trial the following facts are in issue:—
 A's beating *B* with the club;
 A's causing *B*'s death by such beating;
 A's intention to cause *B*'s death.
- (b) *A* suitor does not bring with him, and have in readiness for production for the first hearing of the case, a bond on which he relies. This section does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.

6. Relevancy of facts forming part of same transaction

Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same time and place or at different times and places.

Illustrations

- (a) *A* is accused of the murder of *B* by beating him. Whatever was said or done by *A* or *B* or the by-standers at the beating, or so shortly before or after it as to form part of the transaction, is a relevant fact.
- (b) *A* is accused of waging war against the ¹[Government of India] by taking part in an armed insurrection in which property is destroyed, troops are attacked and goals are broken open. The occurrence of these facts is relevant, as forming part of the general transaction, though *A* may not have been present at all of them.
- (c) *A* sues *B* for a libel contained in a letter forming a part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.
- (d) The question is, whether certain goods ordered from *B* were delivered to *A*. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

7. Facts which are the occasion, cause or effect of facts in issue

Facts which are the occasion; cause, or effect, immediate or otherwise, or relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction, are relevant.

Illustrations

- (a) The question is, whether *A* robbed *B*.
The facts that, shortly before the robbery, *B* went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.
- (b) The question is whether *A* murdered *B*.
Marks on the ground, produced by a struggle at or near the place where the murder was committed, are relevant facts.
- (c) The question is, whether *A* poisoned *B*.

¹ Substituted for "Queen" by A.O. 1950.

The state of *B*'s health before the symptoms ascribed to poison, and habits of *B*, known to *A*, which afforded an opportunity for the administration of poison, are relevant facts.

8. Motive, preparation and previous or subsequent conduct

Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

The conduct of any party, or of any agent to any party, to any suit or proceeding, in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto.

Explanation 1 : The word "conduct" in this section does not include statements, unless those statements accompany and explain acts other than statements; but this explanation is not to affect the relevancy of statements under any other section of this Act.

Explanation 2 : When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

Illustrations

- (a) *A* is tried for the murder of *B*.
The facts that *A* murdered *C*, that *B* knew that *A* had murdered *C*, and that *B* had tried to extort money from *A* by threatening to make his knowledge public, are relevant.
- (b) *A* sues *B* upon a bond for the payment of money. *B* denies the making of the bond.
The fact that, at the time when the bond was alleged to be made, *B* required money for a particular purpose, is relevant.
- (c) *A* is tried for the murder of *B* by poison.
The fact that, before the death of *B*, *A* procured poison similar to that which was administered to *B*, is relevant.
- (d) The question is, whether a certain document is the Will of *A*.
The facts that, not long before the date of the alleged Will, *A* made inquiry into matters to which the provisions of the alleged Will relate, that he consulted vakils in reference to making the Will, and that he caused drafts or other Wills to be prepared of which he did not approve, are relevant.
- (e) *A* is accused of a crime.
The facts that, either before or at the time of, or after the alleged crime, *A* proved evidence which would tend to give to the facts of the case an appearance favourable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or, suborned persons to give false evidence respecting it, are relevant.
- (f) The question is, whether *A* robbed *B*.
The facts that, after *B* was robbed, *C* said in *A*'s presence—"The police are coming to look for the man who robbed *B*", and that immediately afterwards *A* ran away, are relevant.
- (g) The question is, whether *A* owes *B* Rs. 10,000.
The facts that *A* asked *C* to lend him money, and that *D* said to *C* in *A*'s presence and hearing—"I advise you not to trust *A*, for he owes *B* 10,000 rupees", and that *A* went away without making any answer, are relevant facts.

- (h) The question is, whether *A* committed a crime.
The fact that *A* absconded after receiving a letter warning him that inquiry was being made for the criminal and the contents of the letter, are relevant.
- (i) *A* is accused of a crime.
The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant.
- (j) The question is, whether *A* was ravished.
The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstance under which, and the terms in which, the complaint was made, are relevant.
The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant, as a dying declaration under section 32, clause (1), or as corroborative evidence under section 157.
- (k) The question is, whether *A* was robbed.
The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.
The fact that he said he had been robbed, without making any complaint, is not relevant, as conduct under this section, though it may be relevant; as a dying declaration under section 32, clause (1), or as corroborative evidence under section 157.

COMMENTS

As far as criminal cases are concerned, prosecution is not expected to prove the motive of any offence inasmuch as motive is known only to the perpetrator of the crime and may not be known to others. Upon the prosecution proving the motive, court has to consider whether it is adequate.—*State of Haryana v. Sher Singh AIR 1981 SC 1021*

9. Facts necessary to explain or introduce relevant facts

Facts necessary to explain or introduce a fact in issue or relevant fact, or which support or rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of anything or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant insofar as they are necessary for that purpose.

Illustrations

- (a) The question is, whether a given document is the Will of *A*.
The state of *A*'s property and of his family at the date of the alleged Will may be relevant facts.
- (b) *A* sues *B* for a libel imputing disgraceful conduct to *A*; *B* affirms that the matter alleged to be libellous is true.
The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue.
The particulars of a dispute between *A* and *B* about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between *A* and *B*.

- (c) *A* is accused of a crime.
The fact that, soon after the commission of the crime, *A* absconded from his house, is relevant under section 8, as conduct subsequent to and affected by facts in issue.
The fact that, at the time when he left home he had sudden and urgent business at the place to which he went, is relevant, as tending to explain the fact, that he left home suddenly.
The details of the business on which he left are not relevant, except insofar as they are necessary to show that the business was sudden and urgent.
- (d) *A* sues *B* for inducing *C* to break a contract of service made by him with *A*. *C*, on leaving *A*'s service, says to *A*—"I am leaving you because *B* has made me a better offer". This statement is a relevant fact as explanatory of *C*'s conduct, which is relevant as a fact in issue.
- (e) *A*, accused of theft, is seen to give the stolen property to *B*, who is seen to give it to *A*'s wife. *B* says, as he delivers it—"A says you are to hide this". *B*'s statement is relevant as explanatory of a fact which is part of the transaction.
- (f) *A* is tried for a riot and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

COMMENTS

In order to find out as to when exactly the conspiracy was hatched, it will be necessary and also relevant to look into the background in which such a conspiracy took its root and this aspect of evidence is relevant within the meaning of this section.—*State of TN v. T. Thulasingham* 1994 Supp (2) SCC 405

Where a witness identifies a person for the first time in court, without being tested by a prior identification, such an evidence is valueless.—*Mohan Lal v. State of Maharashtra* AIR 1982 SC 839

Conviction is not safe merely on the basis of identification evidence.—*Chaman v. State of UP* AIR 1992 SC 601

10. Things said or done by conspirator in reference to common design

Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, anything said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

Illustration

Reasonable ground exists for believing that *A* has joined in a conspiracy to wage war against the ¹[Government of India].

The facts that *B* procured arms in Europe for the purpose of the conspiracy, *C* collected money in Calcutta for a like object, *D* persuaded persons to join the conspiracy in Bombay, *E* published writings advocating the object in view at Agra, and *F* transmitted from Delhi to *G* at Kabul the money which *C* had collected at Calcutta, and the contents of a letter written by *H* giving an account of the conspiracy, are each relevant, both to prove the existence

¹ Substituted for "Queen" by A.O. 1950.

of the conspiracy, and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

11. When facts not otherwise relevant become relevant

Facts not otherwise relevant are relevant—

- (1) If they are inconsistent with any fact in issue or relevant fact.
- (2) If by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.

Illustrations

- (a) The question is, whether A committed a crime at Calcutta on a certain day. The fact that, on that day, A was at Lahore is relevant.
The fact that, near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.
- (b) The question is, whether A committed a crime.
The circumstances are such that the crime must have been committed either by A, B, C or D. Every fact which shows that the crime could have been committed by no one else, and that it was not committed by either B, C or D is relevant.

12. In suits for damages, facts tending to enable court to determine amount are relevant

In suits in which damages are claimed, any fact which will enable the court to determine the amount of damages which ought to be awarded, is relevant.

13. Facts relevant when right or custom is in question

Where the question is as to the existence of any right or custom, the following facts are relevant—

- (a) any transaction by which the right or custom in question was created, claimed, modified, recognised, asserted, or denied, or which was inconsistent with its existence;
- (b) particular instances in which the right or custom was claimed, recognised or exercised, or in which its exercise was disputed, asserted or departed from.

Illustration

The question is whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcilable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

14. Facts showing existence of state of mind, or of body or bodily feeling

Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.

¹[*Explanation 1* : A fact relevant as showing the existence of a relevant state of mind must show that the state of mind exists, not generally, but in a reference to the particular matter in question.

Explanation 2 : But where, upon the trial of a person accused of an offence, the previous commission by the accused of an offence is relevant within the meaning of this section, the previous conviction of such person shall also be a relevant fact.]

Illustrations

- (a) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.
The fact that, at the same time, he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession, to be stolen.
- ²[(b) A is accused of a fraudulently delivering to another person a counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.
The fact that, at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant.
The fact that, A had been previously convicted of delivering to another person as genuine a counterfeit coin knowing it to be counterfeit is relevant.]
- (c) A sues B for damage done by a dog of B's which B knew to be ferocious.
The facts that the dog had previously bitten X, Y and Z and they had made complaints to B, are relevant.
- (d) The question is, whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.
The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been real person, is relevant, as showing that A knew that the payee was a fictitious person.
- (e) A is accused of defaming B by publishing an imputation intended to harm the reputation of B.
The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication in question.
The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.
- (f) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.
The fact that, at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him is relevant, as showing that A made the representation in good faith.
- (g) A is sued by B for the price of work done by B, upon a house of which A is owner, by the order of C, a contractor.

¹ Substituted for original *Explanation* by Act 3 of 1891.

² Substituted for the original *Illustration (b)*, *ibid*.

A's defence is that *B's* contract was with *C*.

The fact that *A* paid *C* for the work-in-question is relevant, as proving that *A* did, in good faith, make over to *C* the management of the work-in-question, so that *C* was in a position to contract with *B* on *C's* own account, and not as agent for *A*.

- (h) *A* is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found.

The fact that public notice of the loss of the property had been given in the place where *A* was, is relevant, as showing that *A* did not in good faith believe that the real owner of the property could not be found.

The fact that *A* knew, or had reason to believe, that the notice was given fraudulently by *C*, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing the fact that *A* knew of the notice did not disprove *A's* good faith.

- (i) *A* is charged with shooting at *B* with intent to kill him. In order to show *A's* intent, the fact of *A's* having previously shot at *B* may be proved.
- (j) *A* is charged with sending threatening letters to *B*. Threatening letters previously sent by *A* to *B* may be proved, as showing the intention of the letters.
- (k) The question is, whether *A* has been guilty of cruelty towards *B*, his wife. Expressions of their feeling towards each other shortly before or after the alleged cruelty, are relevant facts.
- (l) The question is, whether *A's* death was caused by poison.

Statements made by *A* during his illness as to his symptoms, are relevant facts.

- (m) The question is, what was the state of *A's* health at the time when an assurance on his life was effected.

Statements made by *A* as to the state of his health at or near the time in question, are relevant facts.

- (n) *A* sues *B* for negligence in providing him with a carriage for hire not reasonably fit for use, whereby *A* was injured.

The fact that *B's* attention was drawn on other occasions to the defect of that particular carriage, is relevant.

The fact that *B* was habitually negligent about the carriage which he let to hire, is irrelevant.

- (o) *A* is tried for the murder of *B* by intentionally shooting him dead.

The fact that *A*, on other occasions shot at *B* is relevant, as showing his intention to shoot *B*.

The fact that *A* was in the habit of shooting at people with intent to murder them, is irrelevant.

- (p) *A* is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime, is relevant.

The fact that he said something indicating a general disposition to commit crime of that class, is irrelevant.