

Illustration: noted that
the statement must
be regarding



Illustration: The question is, whether a given road is a public way. A statement by A, a deceased headman of the village, that the road was public, is a relevant fact. It must be noted that the statement must be regarding any public right or public custom or regarding a matter of public or general interest. If the statement is regarding a private right, it cannot be admitted under this clause. Moreover, the settlement must have been made before any controversy as regards such right, etc.

, had arisen. If it is made after the dispute had arisen, it is not relevant under this clause. In order that such an opinion may be admissible, the following three conditions must be satisfied: (1) The right or custom must be of a public or general nature or it should be a matter of public or general interest. (2) The person making the declaration must be one who would be likely to be aware of the existence of the right in question. In other words, such a person should be a person of competent knowledge.

(3) The third condition is that the declaration must have been made ante litem motam, i. e., before the date on which the controversy as to such right, custom or matter arose and which later became the subject- matter of a suit.