

If is proposed to
prove that he denied



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If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertakes to give proof of such fact and the Court is satisfied with such undertaking.

Illustration: (a) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under S. 32. The fact that the person is dead must be proved by the person proposing to prove the statement, before evidence is given of the statement. (b) It is proposed to prove, by a copy, the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy, before the copy is produced. If the relevancy of one alleged fact depends upon another alleged fact being first proved, the Judge may, in his discretion, either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact. (c) A is accused of receiving stolen property, knowing it to have been stolen. It is proposed to prove that he denied the possession of the property. The relevancy of the denial depends on the identity of the property.

The Court may, in its discretion, either require the property to be identified before the denial of the possession is proved, or permit the denial of possession to be proved before the property is identified. (d) It is proposed to prove a fact A which is said to have been the cause or effect of a fact in issue. There are several intermediate facts, B and D, which must be shown

to exist before the fact A can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before , Ñ and D are proved, or may require proof of , Ñ and D before permitting proof of A.