AMERICAN INDEX.

WITHHOLDING, evidence, presumption as to, 18325, "WITHOUT PREJUDICE," communications made, not receivable in evidence, 5547. (See ADMISSIONS.) WITNESS, incompetency of, 9101. how ascertained, 9101. grounds of, in English law, want of reason and understanding, 9101. immaturity of intellect, 9104. intoxication, 9109. policy of law, infamous crime, 91020. atheist, 91011. single judge, 91014. attorney, 91017. husband and wife, 91016. want of religion. 91011. belief in future state not essential, 91012. interest, 91021. legatee incompetent as attesting witness, 91021. rule of our law as to, number of, 6351. exceptions, 6351. at common law, 6351. by statute, 6351. ordering out of court, 97818. may be led to the desired topic, 97826. leading questions to, 97826. (See LEADING QUESTIONS.) discrediting adversary's, 97826. party's own, 97826. called for merely formal purposes, 97827. (See DIRECT EXAMINATION.) examination and cross-examination of, rules for conducting, 97824, 97822. adverse. (See Adverse Witness.) attesting. (See ATTESTING WITNESS.) less credible, not rejected, 3588. prior statement of, used to impeach, 97844. veracity of. (See VERACITY.) may be instructed as to nature of oath, 9108. WORDS, accompanying an act, may be proved as part of res gestæ, 3917. meaning of, question for court, 2125. judicially noticed, 2125. speaking of, not hearsay, 39188. spoken, may be proved, though speaker in court, 3586. WRITTEN INSTRUMENT, cannot in general be contradicted, varied, or explained by extrinsic evidence, 8081.

(See PAHOL EVIDENCE RULE.)

269