

of the *existence of a corporation* or of certain kinds of incorporation;² and this is not inconsistent with the general considerations of policy already noted (*ante*, § 1610).

§ 1626. *Reputation to prove Sundry Facts.* Apart from the classes of cases above enumerated, there seem to be none which fulfil the requisite considerations of policy already noted (*ante*, §§ 1586 and 1610), as justifying the resort to reputation; and in the remaining rulings the use of reputation to prove sundry specific acts or conditions has usually been repudiated.¹

² Ariz. P. C. § 1657 ("general reputation" admissible to prove incorporation, on charge of forgery of bill or note of company); Ark. Stats. 1894, §§ 2906, 2907 (banking company's existence, etc., in criminal cause, provable by "general reputation"); Cal. P. C. 1872, § 1107 (forgery, etc., of bank-bill; incorporation provable by general reputation); Colo. Annot. Stats. 1891, § 1267 ("general reputation," admissible to prove incorporation of bank or company in prosecution for forgery of its bill or note); Ida. Rev. St. 1887, § 7868 (forging, etc., a bill, etc., of incorporated company or bank; "general reputation," admissible to prove incorporation); Ia. Code 1897, § 4870 (general reputation, admissible to prove incorporation of bank, etc., on charge of forging bill, etc.); Kan. Gen. St. 1897, c. 102, § 223 (banking corporation in criminal cause; incorporation provable by reputation); Mo. Rev. St. 1899, § 2634 (in criminal causes, the "existence, constitution, or powers of any bank company or corporation" are provable by "general reputation"); 1860, *State v. Fitzsimmons*, 30 Mo. 237, 239 (statute allowing in criminal cases the existence, etc., of a banking company to be proved by reputation; applied on a trial for selling counterfeit notes); Mont. P. C. 1895, § 2084 (like Cal. P. C. § 1107); § 2086 (so also for any criminal case in proving corporate existence, powers, or constitution); Nev. Gen. St. 1885, § 4645 (on trial for forgery, etc., of bill or note of "incorporated company or

bank," general reputation admissible to prove incorporation); N. D. Rev. C. 1895, § 8216 (like Cal. P. C. § 1107); 1846, *Reed v. State*, 15 Oh. 217, 224 (existence of a foreign banking corporation, in prosecutions for counterfeiting); Okl. Stats. 1893, § 5229 (like Cal. P. C. § 1107); S. D. Stats. 1899, § 8673 (like Cal. P. C. § 1107); Utah Rev. St. 1898, § 4857 (like Cal. P. C. § 1107); § 4859 (like Mont. P. C. § 2086); Wyo. Rev. St. 1887, § 933 (on trial for forgery, etc., of bill or note of incorporated company or bank, incorporation is provable by "general reputation").

¹ 1872, *DeKalh Co. v. Smith*, 47 Ala. 412 (action for personal harm done by disguised assailants; "rumor" admitted to show that the plaintiff had many enemies, in corroboration of the plaintiff); 1888, *Louisville & N. R. Co. v. Hall*, 87 id. 708, 715, 722, 6 So. 277 (that a person had been killed at a low bridge; excluded); 1889, *State v. Evans*, 33 W. Va. 417, 424, 10 S. E. 792 (excluded for showing one man's "influence" over another); 1903, *Louisville & N. T. Co. v. Jacobs*, 109 Tenn. 727, 72 S. W. 254 (reputation as to ownership of locomotives causing a nuisance, excluded). Statutes have sometimes interfered: Oh. Rev. St. 1898, § 4427, par. 6 ("The character of the trust or combination alleged [as illegal] may be established by proof of its general reputation as such"); Tex. P. C. 1895, §§ 983, 988c (character of illegal trust or combination, provable by "its general reputation as such").

END OF VOLUME II.