

Genealogy - It appears that the plaintiff genealogy is the very fabric and foundation of the edifice on which is built the plaintiff's case. This is the starting point of the case of the plaintiff which has been hotly contested by the appellant. In such cases, as there is a tendency on the part of an interested person or a party in order to grab, establish or prove an alleged claim, to concoct, fabricate or procure false genealogy to suit their ends, the courts in relying on the genealogy put forward must guard themselves against falling into the trap laid by a series of documents or a labyrinth of seemingly old genealogies to support their rival claims.

The principles governing such cases may be summarised thus:

"(1) Genealogies admitted or proved to be old and relied on in previous cases are doubtless relevant and in some cases may even be conclusive of the facts proved but there are several considerations which must be kept in mind by the courts before accepting or relying on the genealogies:

- a. Source of the genealogy and its dependability.*
- b. Admissibility of the genealogy under the Evidence Act.*
- c. A proper use of the said genealogies in decisions or judgments on which reliance is placed.*
- d. Age of genealogies.*
- e. Litigations where such genealogies have been accepted or rejected.*

(2) On the question of admissibility the following tests must be adopted:

- a. The genealogies of the families concerned must fall within the four-corners of Section 32(5) or Section 13 of the Evidence Act.*
- b. They must not be hit by the doctrine of post litem motam.*
- c. The genealogies or the claims cannot be proved by recitals, depositions or facts narrated in the judgment which have been held by a long course of decisions to be inadmissible.*
- d. Where genealogy is proved by oral evidence, the said evidence must clearly show special means of knowledge disclosing the exact source, time and the circumstances under which the knowledge is acquired, and this must be clearly and conclusively proved."*

Read here : [1983 PLRonline 0004](#)