

deceased".

Although that objection was made at trial, the defendants' counsel freely cross-examined as to this conversation without reserving rights under the objection. He also asked his own witness concerning it, again without reservation of the objection. Assuming the Courts' recollection is correct, objection was thus waived.

However, addressing its merits, the testimony of the declaration of a seller, in the presence of three buyers, as to the location of a right-of-way of necessity, is clearly admissible as a declaration of a party in privity and against interest, and statements by grantors are commonly admitted. Moreover, the testimony may be considered as going not to the truth of the matter asserted (i.e., that it was the right-of-way) but as to the proposition to which the buyers were agreeing (i.e. we agree to what you said, that this shall be the right-of way).

Since Blanton is deceased, the Dean Man's Statute. 1976 S. C. Code, Section 19-11-20, is also involved. This statute relates, not to the hearsay rule, but to the competence of the witnesses. It is questionable as to whether the objection on this ground which was raised at the trial, is now fairly raised by the exception, and the Court thinks it is not. The waiver of objection in the subsequent course of trial, remarked on above, also applies.

However, the Court has no hesitation in reaffirming its prior ruling.

First, the testimony was for the purpose of showing a transaction of Blanton, the decedent, not with the plaintiffs but with a defendant. It was for the purpose of showing that Blanton made

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