

CHAPTER 116.

AN ACT to amend the thirty-seventh Article of the Public General Laws, by repealing the second section of said Article, relating to the competency of witnesses, and the examination of parties, as amended by the Act of eighteen hundred and sixty-four, Chapter one hundred and nine, and inserting in said Article in lieu of the section so repealed the following section relating to the competency of witnesses and the examination of parties.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the second section of the thirty-seventh Article of the Public General Laws be and the same is hereby repealed, and that the following section be inserted in said Article as a substitute for and in lieu of the said section so repealed.

Repealed.

Substituted.

When an original party to a contract or cause of action is dead, or shown to be lunatic or insane, or when an executor or administrator is a party to the suit, action or other proceeding, either party may be called as a witness by his opponent, but shall not be admitted to testify on his own offer or upon the call of his co-plaintiff or co-defendant otherwise than now by law allowed, unless a nominal party merely; provided, that when an executor or administrator, guardian or committee of a lunatic or insane person is a party to the suit, action or other proceeding when the cause of action has arisen on a contract made with such executor, administrator, guardian or committee, or out of transactions between such executor, administrator, guardian or committee and the other party, or when the executor, administrator, guardian or committee testifies as to any conversation had with the other party, either party may be examined as a witness, as provided for in the other sections of this Article.

Witness.

Proviso.

Approved March 6, 1868.