

ARTICLE XXXV.

EVIDENCE.

Competency of Witnesses.

1. Parties competent. No incapacity from interest or crime, except perjury; wives and husbands competent.
2. Newspaper reporters not compellable to disclose source of news.
3. Rule in case of death, lunacy or insanity of original party; or where executor or administrator is a party; provisos.
4. Parties in criminal cases; divorce; breach of promise.
5. Rebuttal of testimony given by adverse party.
6. Competent to prove interest or crime.
7. Proof of execution of writings; comparison.

Attendance and Pay of Witnesses.

8. Neglect of witness to appear; penalty.

9. Refusal to give evidence; penalty.
10. Discharge from execution for failure to attend.
11. Compensation of witnesses; waiver of.
12. Of witnesses before justice of the peace.
13. Witness summoned by surveyor.
14. Witness in criminal cases held for want of security; fees how paid.
15. Compensation of prosecutor, when disallowed.

Commissions to take Testimony out of this State.

16. Commissions; issue of; testimony under.
17. Depositions upon notice to other party.
18. Testimony of non-resident parties to be taken in the same way as other non-resident witnesses.

The report of an administrator that he has given the required notice to creditors together with the certificate of the court thereon, is *prima facie* evidence of the giving of such notice—art. 93, sec. 111; see also, sec. 112.

As to the burden of proof where a negotiable instrument or a signature thereto appears to have been cancelled, see art. 13, sec. 142.

Deeds, etc., made when a grantor is insolvent or in contemplation of insolvency, are *prima facie* void at the instance of creditors—art. 47, sec. 24.

Where live stock has been injured or a fire occasioned by an engine or train, the burden is upon the railroad company to prove that it has not been guilty of negligence—art. 23, sec. 307.

As to matters of evidence upon an appeal to the courts from orders of the public service commission, see art. 23, sections 458 and 460 to 462.

As to evidence in a suit against a corporation for state taxes, see art. 81, sections 97, 175 and 186.

As to evidence in a suit against a corporation for the recovery of its bonus tax, see art. 81, sections 104 and 105.

As to evidence of the by-laws of a domestic corporation, see art. 23, sec. 13.

The stock book of a bank or trust company is presumptive evidence of the facts therein stated—art. 11, sec. 53.

As to matters of evidence in connection with prosecutions under the act regulating expenses and prohibiting corrupt practices at elections, see art. 33, sections 172, 176 and 177.

As to proof of an intention to evade the provisions of the code exempting property and wages of debtors from execution, see art. 83, sec. 16.

As to of what a protest of a bill or note is evidence, see art. 13, sec. 6.