

## ARTICLE XXXV.

### EVIDENCE.

#### Public Statutes, Office Copies and Official Certificates.

53. United States and State statutes,  
and those of Great Britain, how  
offered in evidence.

56. Certified copies of extracts of  
deeds, mortgages, etc., transmit-  
ted by clerks to commissioner of  
land office. to be evidence.

### Competency of Witnesses.

1.

See notes to article 16, section 168.

3.

The act of 1902, chapter 495, did not except pending cases from its operation; that act, however, did not re-enact the provisions of the act of 1888, chapter 315, but made a very radical change in the law by which a party to a contract is permitted to testify where the other party is dead, except in actions by or against executors or administrators in which judgments or decrees may be rendered against them. Hence where a suit was instituted in 1897, a man who was not then a competent witness, became competent under the act of 1902. The act of 1904, chapter 661, provided that it should not apply to pending cases. *Harford Natl. Bank v. Rutledge*, 124 Md. 54.

This section does not make a husband incompetent to testify to transactions between his wife and a decedent in a suit by her against such decedent's estate because the husband might be benefited by the plaintiff's recovering. *Marx v. Marx*, 127 Md. 383.

Evidence required to be excluded under this section. This section was passed to prevent injustice being done and not to cause it, if that can be avoided. *Cacy v. Slay*, 127 Md. 496.

Cited but not construed in *Elosser v. Fletcher*, 126 Md. 251.

4.

The portion of this section providing for the corroboration of the plaintiff's testimony in a suit for divorce, held to prevent a decree. *Tomkey v. Tomkey*, 130 Md. 295.

5.

The application of this section pointed out. *Cacy v. Slay*, 127 Md. 500.

7.

Evidence held admissible in accordance with the last sentence of this section. *Murdock v. Schindel*, 128 Md. 641.