

## ARTICLE 35.

### EVIDENCE.

#### Competency of Witnesses.

- 4A. Illegal search or seizure; when evidence so obtained inadmissible.
- 4B. Offenses committed by wife in presence of husband; coercion abolished as to treason or murder.
- 6A. Previous conviction admissible as evidence in any proceeding where another is charged with same offense.

#### Attendance and Pay of Witnesses.

- 8A. Superintendent of Maryland Tuberculosis Sanatorium — when not required to attend as witness.

#### Proof of Accounts.

- 54A. Proof by written record, entries, etc.

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

- 56A. Publications covered.
- 56B. Uniform interpretation.
- 56C. Name of act.
- 68A. Copy of records of State Roads Commission.

### Competency of Witnesses.

#### 3.

Legatees under will competent to testify as to statements of testator in suit between executor and another as to whether testator owned deposit account. *Schaefer v. Spear*, 148 Md. 626.

Evidence in suit against administratrix for services rendered, properly ruled out either as immaterial or as prohibited by this section. *Knight v. Knight*, 155 Md. 251.

Exclusion of evidence under this section commented on in a case involving mental capacity to execute deed of trust, and undue influence. *Callis v. Thomas*, 154 Md. 232.

Intention of this section. To third from last note under heading "Incompetency," etc., on page 1377, vol. 1, of Code, add *Griffith v. Benzinger*, 144 Md. 595.

In suit to have herself declared the wife of the deceased son of defendant, plaintiff could not testify as to ceremony or contract of marriage between herself and defendant's son, as she could sue only as distributee. *Whitehurst v. Whitehurst*, 156 Md. 613.

No presumption arises from failure to call witness who is disqualified. *Owings v. Dayhoff*, 159 Md. 417.

In a suit for divorce, statements made by husband to third persons out of wife's presence inadmissible to corroborate husband's statement on witness stand. *Roberts v. Roberts*, 160 Md. 513.

Where defendant, disqualified to testify on call of defense, was called by plaintiff, cross-examination properly confined to testimony in chief. *Bauer v. Harman*, 161 Md. 131.

The fact that witness was permitted to testify to transactions with decedent does not weaken or destroy judgment except when reviewed on appeal. *Watkins v. State*, 162 Md. 616.

In action against owner of automobile, based on negligence of her husband, since deceased, in driving it, she was not incompetent as witness under this section. *Forbstein v. General Tire Co.* (unreported case), 167 Md. 686.