

501, 87 Md 358,
38 Md 18, 95,
299, 417, 39 Md
535, 585, 40 Md
355, 529, 41 Md
107, 115, 119, 123

No exclusion on
ground of in-
terest or crime

Exception.

by consent of parties, authority to hear, receive, and examine evidence; but that every person so offered may and shall be admitted to give evidence, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question, or inquiry, or of the suit, action, or proceeding in which he is offering as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence; but no person who has been convicted of the crime of perjury shall be admitted to testify in any case or proceeding whatever; and the parties litigant, and all persons in whose behalf any suit, action, or other proceeding may be brought or defended, themselves and their wives and husbands shall be competent and compellable to give evidence in the same manner as other witnesses, except as hereinafter excepted.

1864, c 109, s 2,
1868, c 116,
1876, c 222

When original
party is dead or
insane, or where
an executor or
administrator is
party to a suit
31 Md 1, 293, 32
Md 17, 483, 33
Md 352, 34 Md
249, 646, 35 Md
361, 439, 36 Md
447, 501 37 Md.
100, 38 Md 93,
299, 39 Md 535,
585, 40 Md 355,
43 Md 161, 46
Md 538

Exceptions.

2. 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 proceedings, 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 plaintiff or codefendant, otherwise than now by law allowed, unless a nominal party merely, except in case where the party to such suit, action, or other proceeding has died, or become lunatic or insane, after having testified in his own behalf, then the opposite party shall be a competent witness on his own behalf in such case, notwithstanding the executor or administrator of such deceased person or committee of such lunatic or insane person has become a party to such suit, action, or other proceeding, but shall only testify as to matters upon which such deceased lunatic or insane person was examined and testified to, *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; and *provided further*, that it shall not be competent for any party to the cause, who has been examined therein as a witness, to corroborate his testimony, when impeached, by proof of his own declaration or statements made to third persons, out of the presence and hearing of the adverse party.

Proviso.

3. In the trial of all indictments, complaints, and other proceedings, against persons charged with the commission of crimes and offences, and in all proceedings in the nature of criminal proceedings, in any court of this State, and before a justice of the peace or other officer acting judicially, the person so charged shall, at his own request, but not otherwise, be deemed a competent witness;

1876, c 357.
Witnesses in
criminal pro-
ceedings.
38 Md. 74.