

## ARTICLE XXXV.

### EVIDENCE.

#### Competency of Witnesses.

1. No incapacity from interest or crime, except perjury; wives and husbands.
2. In case of death, lunacy or insanity of original party; or where executor or administrator is a party, provisos.
3. Parties in criminal cases, divorce; breach of promise
4. Rebuttal of testimony given by adverse party
5. Competent to prove interest or crime.
6. Proof of execution of writings, provisos.

#### Attendance and Pay of Witnesses.

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

#### Commissions to take Testimony out of the State.

15. Commissions; issue of, testimony under.
16. Depositions upon notice to other party.

#### Commissions to take Testimony in this State.

17. Standing commissioners; rules for taking depositions.
18. Oath of commissioner.
19. Depositions before them; when to be evidence.
20. Return of deposition.
21. Subject to exception; objections.
22. Ten days' notice; deposition *de bene esse*.
23. When minor interested, court to appoint guardian.
24. Absence of adverse party.
25. Depositions under last three sections; form, when used; exceptions.
26. Commissioners' fees.
27. Notice where witness sick or about to leave the State.
28. Notice where adverse party attends the taking,
29. Who may take depositions, and where.

#### Commissions to Perpetuate Boundaries.

30. How and to whom granted; how executed.
31. Notice of meeting of commissioners.
32. Defects of form.
33. Compensation of commissioners.

#### Commissions to take Evidence from other States.

34. Attachment to compel attendance of witness.
35. Compensation of witness.