

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 statement made to third persons out of the presence and hearing of the adverse party; and provided further, that whenever the contract or cause of action in issue and on trial was made or contracted with an agent, the death or insanity of his principal shall not prevent any party to the suit or proceeding from being a witness in the case; provided such agent shall be living and competent to testify.

Neidig *v.* Whiteford, 29 Md. 178. Cooke *v.* Cooke, 29 Md. 538. Ward *v.* Leitch, 31 Md. 326. Smith *v.* Wood, 31 Md. 293. Schull *v.* Murray, 32 Md. 9. Carman *v.* Crook, 32 Md. 486. Billingslea *v.* Ward, 33 Md. 48. Johnson *v.* Heald, 33 Md. 352. McKaig *v.* Piatt, 34 Md. 260. Foley *v.* Bitter, 34 Md. 646. Dennison *v.* Dennison, 35 Md. 381. Miller *v.* Motter, 35 Md. 432. Jones *v.* Jones, 36 Md. 457. Downs *v.* Md. & Del. R. R. Co., 37 Md. 100. Redgrave *v.* Redgrave, 38 Md. 96. Semmes *v.* Worthington, 38 Md. 324. Estep *v.* Morris, 38 Md. 417. Harris *v.* Pae, 39 Md. 535. Romer *v.* Jaecksch, 39 Md. 585. Mason *v.* Poulson, 40 Md. 355. Sanborn *v.* Lang, 41 Md. 107. Armitage *v.* Snowden, 41 Md. 119. Hammett *v.* Shanks, 41 Md. 219. Murray *v.* Cannon, 41 Md. 475. Spencer *v.* Trafford, 42 Md. 17. McKaig *v.* Hebb, 42 Md. 231. Mason *v.* Poulson, 43 Md. 177. Graves *v.* Spedden, 46 Md. 538. First Nat. Bank of Washington *v.* Eccleston, 48 Md. 145. Orendorf *v.* Utz, 48 Md. 304. Stanford *v.* Horwitz, 49 Md. 525. Wright *v.* Gilbert, 51 Md. 155. Hardy *v.* Chesapeake Bank, 51 Md. 562. Sangston *v.* Hack, 52 Md. 201. Bantz *v.* Bantz, 52 Md. 686. Simmons *v.* Haas, 56 Md. 165. Spencer *v.* Almoncy, 56 Md. 561. Swartz *v.* Chickering, 58 Md. 290. Diffenbach *v.* Vogeler, 60 Md. 379. Dilley *v.* Love, 61 Md. 607. Trayhern *v.* Colburn, 63 Md. 105. Grand United Order of Odd Fellows Joint Stock Assn. *v.* Merklin, 65 Md. 584. Horner *v.* Frazier, 65 Md. 10. Neale *v.* Hermanns, 65 Md. 478. Robertson *v.* Mowell, 66 Md. 534.

P. G. L., (1860,) art. 37, sec. 3. 1864, ch. 109. 1876, ch. 357. 1888, ch. 545.

**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