

CHAP. 494. "Crimes and Punishments," sub-title "Jurisdiction, Procedure and Sentence," as enacted by the Act of 1894, Chapter 402.

Repeal  
and re enact.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That section 304 A of Article 27 of the Code of Public General Laws, title "Crimes and Punishments," sub-title "Jurisdiction, Procedure and Sentence," as enacted by the Acts of 1894, chapter 402, be and the same is hereby repealed and re-enacted with amendments, so as to read as follows :

Sentence  
may be  
suspended.

Section 304 A. The Courts may suspend sentence generally or for a definite time, and may make such orders and impose such terms as to costs, recognizance for appearance, or matters relating to the residence or conduct of the convicts as may be deemed proper ; and if the convict is a minor, the Courts may also make such orders as to his detention in any care or custody as may be deemed proper.

Repeal.

SEC. 2. *And be it enacted,* That the existing Act in relation to suspensions of sentence is repealed.

SEC. 3. *And be it enacted,* That this Act shall take effect from the date of its passage.

Approved April 8, 1902.

#### CHAPTER 495.

AN ACT to repeal and re-enact with amendments Section 2 of Article 35 of the Code of Public General Laws, title "Evidence," sub-title "Competency of Witnesses."

Repeal  
and re-enact.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That section two or Article thirty-five of the Code of Public General Laws, title "Evidence," sub-title "Competency of Witnesses," be and the same is hereby repealed and re-enacted, so as to read as follows :

Unlawful to  
testify to any  
transaction  
had with  
testator  
unless called  
by opposite  
party.

SEC. 2. In actions or proceedings by or against executors or administrators in which judgments or decrees may be rendered for or against them, and in proceedings by or against persons incompetent to testify by reason of mental disability, no party to the cause shall be allowed to testify as to any transaction had with or statement made by the testator, intestate or party so incompetent to testify, either personally or through an agent since dead, lunatic or insane, unless called to testify thereto by the opposite party, or unless the testimony of such testator, intestate or party incompetent to testify shall have been already given in evidence concerning the same transaction or statement, in the same cause, on his or her own behalf