

as follows, be and the same is hereby repealed, amended and re-enacted so as to read as follows :

2. When an original party to a contract or cause of action is dead, or shown to be a 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 co-plaintiff or co-defendant, 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 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

May be a witness.

Provisos.