

NOT TESTIFY CONCERNING ANY TRANSACTION WITH OR STATEMENT MADE BY THE DEAD OR INCOMPETENT PERSON, PERSONALLY OR THROUGH AN AGENT SINCE DEAD, UNLESS CALLED TO TESTIFY BY THE OPPOSITE PARTY, OR UNLESS THE TESTIMONY OF THE DEAD OR INCOMPETENT PERSON HAS BEEN GIVEN ALREADY IN EVIDENCE IN THE SAME PROCEEDING CONCERNING THE SAME TRANSACTION OR STATEMENT.

REVISOR'S NOTE: This section is new language derived from a part of Art. 35, §3. It is known as the "Dead Man's Statute" and is construed by the Court of Appeals very many times. While modernizing the language and simplifying the sentence structure for clarification purposes, every effort is made to retain the exact purpose of the statute as it is construed and as it is presently written.

SEC. 9-117. CORROBORATION WHEN IMPEACHED.

[[A PARTY, WHO HAS BEEN EXAMINED, MAY NOT CORROBORATE HIS TESTIMONY, WHEN IMPEACHED, BY PROOF OF HIS OWN DECLARATION MADE TO ANOTHER PERSON OUT OF THE PRESENCE OF THE ADVERSE PARTY.]]

IT IS NOT COMPETENT, IN ANY CASE, 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.

REVISOR'S NOTE: This section presently appears as a portion of Art. 35, §3.

SEC. 9-118. PERSON TESTIFYING BEFORE THE GRAND JURY.

(A) GENERAL.

THE OATH FOR A PERSON TESTIFYING BEFORE THE GRAND JURY SHALL BE ADMINISTERED IN ONE OF THE WAYS SPECIFIED IN THIS SECTION.

(B) FOREMAN.

IT MAY BE ADMINISTERED IN THE PRESENCE OF THE GRAND JURY BY THE FOREMAN OR A MEMBER APPOINTED BY THE FOREMAN.