

CHAPTER LXX.

AN ACT TO AMEND SECTION EIGHT OF CHAPTER SEVENTY-THREE OF THE GENERAL STATUTES, IN RELATION TO WITNESSES AND EVIDENCE.

Be it enacted by the Legislature of the State of Minnesota :

Party not allowed to testify, when.

SECTION 1. That section eight of chapter seventy-three of the general statutes in relation to witnesses and evidence, be amended so as to read as follows : When one, or in case of a joint and several contract, all of the original parties on the same side to a contract, or cause of action in issue and on trial, are dead, or shown to the court to be insane, the other party or parties shall not be admitted to testify as to such contract in his or their own favor, unless such transaction was had and performed on behalf of the party or parties so deceased, or insane, by an agent whose testimony is received, or unless such contract was made or entered into in the presence of some person or persons other than such contracting parties, whose testimony is received upon such trial in behalf of the party deriving title through or under such deceased or insane party or parties. Provided, that whenever an assignor of a contract or thing in action, or the payee or indorser of a negotiable instrument, is examined as a witness to matters transpiring prior to the transfer or assignment of such contract or instrument, on behalf of any person deriving through or from him, the adverse party shall be received as a witness to the same matters in his own behalf.

Approved March 9, 1874.