

## CHAPTER 305.

[Published April 18, 1865.]

AN ACT relating to evidence, and amendatory of section fifty-one of chapter one hundred and thirty-seven of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

In what cases witness may be disqualified.

SECTION 1. Section 51 of chapter 137 of the revised statutes, is hereby amended, so as to read as follows: "Section 51. A party to a civil action or proceeding shall not be examined as a witness on the trial, when the opposite party sues or defends as administrator or legal representative of any deceased persons; nor shall he be examined in relation to any matter in controversy in such action or proceeding, which the plaintiff or defendant claims as assignee, when the original assignor is dead or insane, or otherwise legally incapacitated from giving testimony; nor in relation to any matter in controversy arising out of any transaction managed or conducted by an agent of the opposite party, or by an agent of the original assignor of such party, when such agent is dead or insane, or otherwise legally incapacitated from giving testimony; and no assignor of a contract or thing in action, shall be admitted as a witness on the trial in behalf of the person claiming title through or from him, against an assignee or executor or administrator, unless the other party to such contract or thing in action, whom the plaintiff or defendant represents is living, and his testimony can be procured."

SECTION 2. This act shall take effect from and after its passage and publication.

Approved April 5, 1865.