

SENATE....No. 9.

Commonwealth of Massachusetts.

IN SENATE, January 21, 1867.

The Committee on the Judiciary, to whom was committed the Bill to render competent the testimony of husband and wife in certain cases, have examined the same, and report the Bill ought not to pass.

Per order,

S. W. BOWERMAN, *Chairman.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-
Seven.

AN ACT

To render competent the Testimony of Husband and
Wife for or against each other.

*Be it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows:—*

1 SECT. 1. In the trial of any civil suit or proceed-
2 ing, commenced, or which may hereafter be com-
3 menced, a husband and wife shall be competent to
4 testify as witnesses for or against each other, whether
5 joined as parties or not, in the following cases, to
6 wit: first, in actions upon policies of insurance of
7 property, so far as relates to the amount and value of
8 the property insured; second, in actions against
9 carriers, so far as relates to the loss, amount or
10 value of property, which is the subject of the suit;
11 third, in actions in which the subject-matter of the
12 controversy happened or accrued before the marriage.

1 SECT. 2. Nothing herein contained shall be so
2 construed as to render competent the testimony of a
3 husband and wife, for or against each other, as to any
4 statements, conversations, letters or other communi-
5 cations between them, or between either of them and
6 any third party.

1 SECT. 3. This act shall take effect on its passage.

