

Evidence Legislation at the 1937 Session

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EVIDENCE LEGISLATION AT THE 1937 SESSION

At the 1937 regular session of the Maryland General Assembly several statutes bearing on the field of Evidence were passed. Chapter 128 provided that, in courts of equity, questions of foreign law should be decided by the Court in the same fashion as domestic law; and that the courts should have discretionary power to take judicial notice of such foreign law if it be that of a jurisdiction having the Anglo-American system of law. A similar statute had been passed several years earlier for the courts of law. Chapter 197 provides that when testimony shall be taken in open court in equity cases, it need not be written up by the stenographer save when either an appeal is to be taken or the court so orders it.

Chapter 523 provides for the use of affidavits of accounts in actions *ex contractu* before Justices of the Peace, and furnishes an additional method of securing judgment upon affidavit in such courts.

Chapter 124 adopts the Uniform Act to Secure the Attendance of Witnesses from without a State in Criminal

¹⁸ The effect of which is merely to carry over the intention rule of *Lingan v. Carroll* to the trust situation.

Proceedings and provides reciprocity with respect to compelling witnesses to go from Maryland to testify in other states, and vice versa.

A series of statutes makes it possible to compel persons to testify in certain criminal prosecutions despite that such testimony might incriminate themselves, with the "immunity proviso" that, if they are so compelled, they shall not be prosecuted for the crimes as to which they testify. Chapter 434 thus deals with bribery, Chapter 435 with lottery cases, Chapter 438 with gaming cases, and Chapter 439 with conspiracy cases.