

CHAPTER 84.

[S. B. 18.]

WITNESSES.

AN ACT relating to testimony concerning transactions with or statements made by, deceased or insane persons or minors, amending Section 389 of the Code of Washington Territory of 1881, and repealing a certain act amendatory thereof.

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

§ 389, Code of 1881; § 1211, Rem. Stats.; § 7722 Pierce's 1919 Code.

SECTION 1. That section 389 of the Code of Washington of 1881 (section 1211 of Remington's Compiled Statutes; section 7722 of Pierce's 1919 Code) be amended to read as follows:

Interest not ground for exclusion as witness.

Section 389. No person offered as a witness shall be excluded from giving evidence by reason of his interest in the event of the action, as a party thereto or otherwise, but such interest may be shown to affect his credibility: *Provided, however,* That in an action or proceeding where the adverse party sues or defends as executor, administrator or legal representative of any deceased person, or as deriving right or title by, through or from any deceased person, or as the guardian or conservator of the estate of any insane person, or of any minor under the age of fourteen (14) years, then a party in interest or to the record, shall not be admitted to testify in his own behalf as to any transaction had by him with, or any statement made to him, or in his presence, by any such deceased or insane person, or by any such minor under the age of fourteen (14) years: *Provided further,* That this exclusion shall not apply to parties of record who sue or defend in a representative or fiduciary capacity, and have no other or further interest in the action.

Exceptions.

Not excluded if in representative or fiduciary capacity.

SEC. 2. That an act entitled "An Act to amend section 389, chapter XXXVI, of the Code of Wash-

ington, relating to witnesses and evidence", approved March 20, 1890, Laws of 1889-90, pages 91-92, is hereby repealed. L. 1889-90,
p. 91-92,
repealed.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

CHAPTER 85.

[S. B. 23.]

HABITUAL CRIMINALS.

AN ACT relating to persons convicted a second and third time of felony and repealing Chapter 86 of the Laws of 1903.

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

SECTION 1. That chapter 86 of the Laws of 1903, pages 125-127, is hereby repealed. Statute
repealed.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 4, 1927.

CHAPTER 86.

[S. B. 31.]

SWINE RUNNING AT LARGE.

AN ACT relating to damages for swine running at large and amending Section 2 of an act entitled "An act to restrain swine from running at large, providing penalties, and prescribing the manner of appraisalment and collection of damages," approved March 14, 1890, Laws of 1889-90.

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

SECTION 1. That section 2 of an act entitled "An Act to restrain swine from running at large, providing penalties, and prescribing the manner of appraisalment and collection of damages", approved Swine run-
ning at large
unlawful.