
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 431

Session of
1961

MESSRS. STROUP, SCOTT, DEVLIN AND SHAFER, IN PLACE,
MARCH 21, 1961.

AS AMENDED ON THIRD READING, MAY 24, 1961.

AN ACT

Relating to the competency of surviving and interested witnesses and
the admissibility of evidence in civil proceedings

The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows

- 1 Section 1 When any party to a thing or contract is dead or has been
2 adjudged incompetent and his right has passed either by his own act
3 or by operation of law to a party of record who represents his interests
4 in the subject in controversy any surviving party or person whose interest

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through
is to be omitted from bill.
Underlining indicates new matter added to existing law. [Brackets] indicate matter
stricken from existing law.

1 shall be deemed adverse shall nevertheless be a competent witness to any
2 matter occurring before or after the death or adjudication of incompe-
3 tency

4 Section 2 If a surviving party or adverse person testifies in ac-
5 cordance with subdivision (a) all entries memoranda and declarations
6 by the party incapable of testifying by reason of death or adjudication
7 of incompetency made in good faith while he was capable and relevant
8 to the matter in issue may be received in evidence

9 Section 3 (a) Clauses (e) and (f) of section 5 and section 6 act of
10 May 23 1887 (P L 158) entitled "An act relating to the competency
11 of witnesses and to the rules of evidence in civil and criminal cases
12 revising declaring and consolidating some of the existing acts and rules
13 of law upon these subjects and also extending some of the provisions of
14 the same" are repealed absolutely

15 (b) All acts and parts of acts are repealed in so far as they are in-
16 consistent herewith

17 SECTION 4 THIS ACT SHALL TAKE EFFECT IMMEDI-
18 ATELY BUT SHALL NOT BE APPLICABLE TO ANY LITIGA-
19 TION CONCERNING THE RIGHTS OF PERSONS WHO HAVE

- 1 DIED OR WHO HAVE BEEN ADJUDGED INCOMPETENT
- 2 PRIOR TO SAID EFFECTIVE DATE

We certify that this bill has passed the Senate and the House of Representatives.

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 Chief Clerk, Senate

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 President pro tempore, Senate

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 Speaker, House of Representatives

Approved The day of A. D. 1961.

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 Governor