



Reports of Cases Decided in the Supreme Court of the State of South Dakota Volume 37

By Anonymous

Rarebooksclub.com, United States, 2013. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1917 edition. Excerpt: . or advisable to pass upon the first conten-tion. VV=hcre a witness is rendered incompetent under sction 486, such incompetency only extends to, and forbids his testifying for the purpose of, proving a transaction with or statement by the testator or intestate, as the basis of a claim for or agaiaist some party claiming un-der deceased; that evidence of statements made by deceased, when they amount to verbal acts, may be received upon the question of the testamentary capacity of deceased. Of course, when permitting such evidence to go before a jury, it should be fully instructed as to the purpose for which it is to be received-that it is not a question of the truthfulness of the statement that they are to determine, but whether the statement was made and, if made, its probative force upon the question of testamentary capacity. When-We consider...



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