

**Rule 43. Taking of Testimony****43.01 Form**

In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by statute or by these rules, the Minnesota Rules of Evidence, or other rules adopted by the Supreme Court.

(Amended effective January 1, 1997.)

**43.02 [ABROGATED]**

(Effective January 1, 1997.)

**43.03 [ABROGATED]**

(Effective January 1, 1997.)

**43.04 Affirmation in Lieu of Oath**

Whenever under these rules an oath is required to be taken, a solemn affirmation may be accepted in lieu thereof.

**43.05 Evidence and Motions**

Whenever a motion is based on facts not appearing of record, the court may hear the matter on affidavits presented by the respective parties, but the court may direct that the matter be heard wholly or partly on oral testimony or depositions.

**43.06 [ABROGATED]**

(Effective January 1, 1997.)

**43.07 Interpreters**

The court may appoint an interpreter of its own selection and may fix reasonable compensation. The compensation shall be paid out of funds provided by law.

(Amended effective January 1, 2006.)

***Advisory Committee Comment - 1996 Amendment***

*The changes to this rule conform it to its federal counterpart. The existing rule predates the adoption of the Minnesota Rules of Evidence, and creates conflicts with those rules in practice. It is appropriate to have all provisions relating to evidence contained in a single location, and to have the rules of civil procedure only refer to those rules where necessary.*

***Advisory Committee Comment - 2006 Amendment***

*Rule 43.07 is amended to conform the rule to the statutory requirement that the "fees and expenses of a qualified per diem interpreter for a court must be paid by the state courts." Minnesota Statutes 2004, section 546.44, subdivision 3. Language is stricken from the second sentence to eliminate the conflict between the rule and statute regarding payment of court-appointed interpreters.*

*This amendment is drawn from the language of Minn. R. Crim. P. 26.03, subd 16.*