

48.

BILL.

An Act to improve the Law of Evidence in Lower Canada.

WHEREAS the inquiry after truth in Courts of Justice is often obstructed by incapacities created by or existing under the present law, and it is desirable that full information of the facts in issue, both in Criminal and in Civil cases, should be laid before the persons appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony: Be it therefore enacted, &c.

Preamble.

10 And it is hereby enacted by the authority of the same, That no person offered as a witness shall hereafter be excluded by reason of incapacity, from crime or interest, from giving evidence according to the practice of the Court, on the trial of any issue joined, or of any matter
15 or question, or on any inquiry arising in any suit, action or proceeding, civil or criminal, in any court, or before any judge, jury, sheriff, coroner, magistrate, officer or person having by law or by the consent of parties authority to hear, receive or examine evidence; but that every
20 person so offered may and shall be admitted to give evidence on oath, or solemn affirmation in those cases wherein affirmation is by law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue,
25 matter, question or inquiry, or of the suit, action or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence; Pro-
30 to any suit, action or proceeding individually named in the Record, or the husband or wife of such party respectively, or any person in whose individual behalf any suit, action or proceeding may be individually brought and instituted or defended either wholly or in part, or
35 the husband or wife respectively of such person; Pro-
40 the effect of preventing any party, plaintiff or defendant in any suit or action in any Court of Law in Lower Canada from adopting or employing the form or mode of examination by interrogatories on *faits et articles* as allowed by the Law of Lower Canada, if such party shall be minded or advised to adopt or employ such form or mode of examination.

No person hereafter to be excluded from giving evidence from incapacity, &c.

Proviso.

Proviso.