

A witness who has been present in Court during trial, not to be objected to.

III. And be it enacted, That in any trial a witness, in any Court civil or criminal, in the Province of Canada, it shall not be imperative on the Court to reject any witness against whom it is objected that such witness has 5 without the permission of the Court and without the consent of the party objecting, been present in Court during all or any part of the proceedings, but it shall be competent for the Court, in its discretion to admit the wit- 10 ness, when it shall appear to the Court that the presence of the witness was not the consequence of culpable negligence or criminal intent, and that the witness has not been unduly instructed or influenced by what took 15 place during his presence, or that injustice will not be done by his examination.

Nothing herein to have the effect of abrogating *juramentum decisorium*, &c.

IV. Provided always, and be it enacted, That nothing herein contained shall have the effect of abrogating the *juramentum decisorium*, *juramentum judiciale*, *juramentum suppletorium*, and *juramentum in litem*, in any action, suit or proceeding in any Court in Lower Canada, but that all and every the said oaths shall continue and shall and may 25 be used and enforced in Lower Canada, according to the law thereof, as if this Act had not been made.

Provision with respect to signatures to notes, &c.

V. And be it enacted, That from and after the passing of this Act, in all actions or suits 30 in any Court of Justice in this Province, founded upon bills, notes or other simple contracts, in which by the heretofore practice of the said Courts, or by law, proof was required to be made of the signature of the maker, 35 indorser or acceptor of such bills or notes, or of the party subscribing such contracts, such proof shall no longer be required, but the signature aforesaid shall be received in evidence without proof of the handwriting 40 thereof in all cases, whether by default or on contestation, unless in cases of contestation aforesaid, the validity of the said signature shall be specially denied in pleading, in which