

BILL BEFORE THE LEGISLATURE.

justice, or to induce respect towards those concerned in such administration."

The duty of counsel is not to try "to make the worse appear the better cause," but to assist the Court in arriving at a proper decision. Attempts to mislead juries recoil on the heads of the perpetrators, who are sooner or later found out, and then woe betide their clients. Many are the advantages of our system of amalgamating the professions, let us try as much as possible to avoid the evils which may, unless restrained by close attention to professional ethics, readily spring from it.

BILLS BEFORE THE LEGISLATURE.

The following Bills are now under the consideration of the Local Legislature. The Act to Amend the law of Evidence, which we give below was introduced by Mr. Blake. There is also another to the same effect, brought in by Mr. Clarke, which having passed the second reading, after strong opposition from the Attorney General and others in the government, was, together with Mr. Blake's bill, referred to a select committee:—

An Act to amend the law of Evidence.

Whereas the inquiry after truth in civil cases in the Courts of Justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue should be laid before the persons who are 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, and it is expedient to amend the law of evidence in this Province: Therefore her Majesty, &c., enacts as follows:

1. No person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence either in person or by deposition, according to the practice of the Court on the trial of any issue joined, or of any matter or question, or on any enquiry arising in any civil suit, action or proceeding in any Court or before any judge, jury, sheriff, coroner, magistrate, officer or person, having by law or by consent of parties authority to hear, receive and examine evidence, but that every person so elected 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, matter, question or enquiry, or of the suit, action or proceeding in which he is offered as a witness, and not-

withstanding that such person offered as a witness may have been previously convicted of any crime or offence.

2. On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any civil suit, action or proceeding in any Court of Justice, or before any person having by law or by consent of parties having authority to hear, receive and examine evidence, the parties thereto and the persons in whose behalf any such suit, action or proceeding may be brought or defended shall, *except* as hereinafter excepted, be competent and compellable to give evidence either *viva voce* or by deposition, and the husbands and wives of the parties thereto, and of the persons in whose behalf any such suit, action or proceeding may be brought or instituted or opposed shall, *except* as hereinafter excepted, be competent and compellable to give evidence either *viva voce* or by deposition according to the practice of the Court on behalf of either or any of the parties to the said suit, action or other proceeding.

3. Nothing herein contained shall in any civil proceeding render any person compellable to answer any question tending to criminate himself or to subject him to prosecution for any penalty.

4. Nothing hereinbefore contained shall apply to any action, suit, proceeding in any Court of Common Law instituted in consequence of adultery or to any action for breach of promise of marriage, nor shall render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband in any proceeding instituted in consequence of adultery.

5. No husband shall be compellable to disclose any communication made to him by his wife during the marriage, and no wife shall be compellable to disclose any communication made to her by her husband during the marriage.

6. Sections three, four, five, and eighteen of the Act, chapter thirty-two of the Consolidated Statutes of Upper Canada, entitled, An Act respecting Witnesses and Evidence, are hereby repealed.

Mr. Blake also brings in the following Bill
An Act to make better provision for the realization of the debts of deceased persons out of their lands.

Whereas it is expedient, &c.: Therefore Her Majesty, &c., enacts as follows:

1. In this Act, the words, "the personal representative," mean the person to whom letters of administration of the estate, or letters probate of the will of any deceased person, are granted by any Surrogate Court of Ontario; the word "land" means any freehold, interest or estate, legal or equitable in any land in Ontario; the word "beneficiary" means any person interested as heir-at-law, or under the will of any deceased person in any