

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 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, 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; Provided that this Act shall not render competent any party to any suit, action or proceeding individually named in the Record, or the husband or wife of such party respectively, any lessor of the plaintiff or tenant of premises sought to be recovered by ejectment, or the landlord or other person in whose right any defendant in replevin may make cognizance, of any person in whose behalf any suit, action or proceeding may be individually brought and instituted or defended, either wholly or in part, or the husband or wife respectively of such person; Provided that in any Court of Law or Equity now or hereafter to be constituted in the said Province of Canada, any defendant in any cause, in any such Court, may be examined *vivá voce*, as a witness on behalf of the plaintiff, or of any co-defendant in any such cause, saving just exceptions, and any plaintiff in any such cause may be examined *vivá voce* as a witness on the behalf of the defendant in any such cause, saving just exceptions; and that any interest which such defendant or plaintiff so to be examined may have in the matters, or any of the matters in question in the cause, shall not be deemed a just exception to the testimony of such defendant or plaintiff, but shall only be considered as affecting or

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