



CHAPTER 145.

An Act respecting Witnesses and Evidence.

SHORT TITLE.

1. This Act may be cited as the Canada Evidence Act. 56 Short title. V., c. 31, s. 1.

PART I.

APPLICATION.

2. This Part shall apply to all criminal proceedings, and to all civil proceedings and other matters whatsoever respecting which the Parliament of Canada has jurisdiction in this behalf. 56 V., c. 31, s. 2. Applies to all matters within legislative jurisdiction of Canada.

WITNESSES.

3. A person shall not be incompetent to give evidence by reason of interest or crime. 56 V., c. 31, s. 3. No incompetency from interest or crime.

4. Every person charged with an offence, and, except as in this section otherwise provided, the wife or husband, as the case may be, of the person so charged, shall be a competent witness for the defence, whether the person so charged is charged solely or jointly with any other person. Accused and wife or husband competent witnesses for defence.

2. The wife or husband of a person charged with an offence against any of the sections two hundred and two to two hundred and six inclusive, two hundred and eleven to two hundred and nineteen inclusive, two hundred and thirty-eight, two hundred and thirty-nine, two hundred and forty-four, two hundred and forty-five, two hundred and ninety-eight to three hundred and two inclusive, three hundred and seven to three hundred and eleven inclusive, three hundred and thirteen to three hundred and sixteen inclusive of the Criminal Code, shall be a competent and compellable witness for the prosecution without the consent of the person charged. Wife or husband competent and compellable witnesses for prosecution.

3. No husband shall be compellable to disclose any communication made to him by his wife during their marriage, and no wife shall be compellable to disclose any communication made to her by her husband during their marriage. Disclosure of communications during marriage not compellable.

4. Nothing in this section shall affect a case where the wife or husband of a person charged with an offence may at com- Saving.