

or of any person; provided, however, that if with respect to any question the witness objects to answer upon the ground that his answer may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person, and if but for this section the witness would therefore have been excused from answering such question, then, although the witness shall be compelled to answer, yet the answer so given shall not be used or receivable in evidence against him in any criminal trial or other criminal proceeding against him thereafter taking place, other than a prosecution for perjury in giving such evidence."

The statute 1 Edw. VII. ch. 36, amending the foregoing Act, enacts as follows:—

"1. Section 5 of the Canada Evidence Act, 1893, as that section is enacted by chapter 53 of the statutes of 1898, is hereby amended by adding thereto the following sub-section:—

"2. The proviso to sub-section 1 of this section shall in like manner apply to the answer of a witness to any question which pursuant to an enactment of the legislature of a province such witness is compelled to answer after having objected to do so upon any ground mentioned in the said sub-section, and which, but for that enactment, he would upon such ground have been excused from answering."

Read together, these two Acts, I think, protect a witness from any such liability arising from answers which a witness may be compellable to make in obedience to provincial legislation, and the legislature of Ontario has by 4 Edw. VII. ch. 10, sec. 21, enacted as follows:

"21. Section 5 of the Evidence Act is repealed and the following substituted therefor:—

"5. No person shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person; provided, however, that if with respect to any question the witness objects to answer upon the ground that his answer may tend to criminate him, and if but for this section the witness would therefore have been excused from answering such question, then, although the witness shall be compelled to answer, yet the answer so given shall not be used or receivable in evidence against him on the trial of any proceeding under any Act of the legislature of Ontario."