

No. 70.

BILL.

[1862]

An Act to amend chapter thirty-two of the Consolidated Statutes for Upper Canada, intituled, "An Act respecting Witnesses and Evidence."

WHEREAS it is desirable to amend the Act chapter thirty-two of the Consolidated Statutes for Upper Canada, intituled, "*An Act respecting Witnesses and Evidence,*" and to extend the provisions thereof :

5 Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The following proviso shall be inserted in the fifth section of the said Act, after the words "at the instance of the opposite party," and immediately before the words "provided always," and shall make part of the said section :—

Section 5 of
cap. 32 of
Con. Stat.
U. C. amend-
ed.

"Provided always, that in any suit or proceeding in which there is more than one Plaintiff or more than one Defendant, and any one or more of such Plaintiffs, or any one or more of such Defendants, is examined as a witness at the instance of the opposite party,—then any Co-plaintiff or Co-defendant of the party so examined may examine any other or others of his Co-plaintiffs or Co-defendants as a witness or witnesses in the cause, or may offer himself as a witness and give evidence in the cause; and the words Plaintiff and Defendant in this proviso, shall include any party who, under the foregoing provisions of this section, can be called and examined as a witness at the instance of the opposite party, but no other."

New Proviso
to the said
section.