

BILL.

An Act to improve the Law of Evidence in Lower Canada.

WHEREAS the inquiry after truth in Courts of Justice is often obstructed by incapacities created by or existing under the present law, and it is desirable that full information of the facts in issue, both in criminal and in civil cases, should be laid before the persons 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: Be it therefore enacted, &c.,

Preamble.

10 That no person offered as a witness shall hereafter be excluded by reason of incapacity, from crime or interest, from giving evidence according to the practice of the Court, on the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action or proceeding, civil or criminal, in any court, or 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.

No person to be excluded as a witness by reason of incapacity from crime or interest.

II. And be it enacted, That whenever any person has died or shall hereafter die in any of Her Majesty's possessions out of Lower Canada, having made a will sufficient according to the laws in force in such possession where the will is executed to pass real or personal estate as the case may be, and whereby real estate in Lower Canada, or whereby real estate in Lower Canada shall be bequeathed or given, shall be devised, charged or affected, or whereby any personal estate in Lower Canada shall be bequeathed or given, and such Will shall have been duly proved in any Court having the proof and issuing of probate of Wills in any of such possessions, and shall remain filed in such court, the production of the probate of such Will, and a certificate of the Judge, Registrar or Clerk, or proper officer of such

Probate of Wills in any of H. M. Possessions to be received in L. C.