

When the party to be examined shall reside in another District. III. Whenever the party to be examined shall live or be resident in a District other than the one in which the suit or proceeding is instituted, the said party shall and may be examined in the same manner as witnesses can, by the laws now in force, be examined.

Wife may be so examined if she could be examined on *faits et articles*. IV. The wife to any party to a suit or proceeding of a Civil nature may be examined in the manner prescribed by the first section of the Act, in all such cases as by law she would be now compelled to answer upon *faits et articles* in any suit brought by or against her husband. 5

Recital. V. And whereas it is desirable, that in all Civil causes uniformity should be observed with respect to the competency of witnesses by reason of their being related either directly or collaterally to the parties litigating; And whereas, in all facts of a commercial nature, proof is admitted by the testimony of persons so related: It is therefore enacted, that in all causes of a Civil nature, no person shall be held to be incompetent to render or give testimony by reason of such person being related in any degree to either or both of the parties in the suit or proceeding in which such person shall be called as a witness, any law or provision of law to the contrary notwithstanding; Provided always, that in no case shall a husband be deemed a competent witness for or against his wife, nor a wife a competent witness for or against her husband. 10 15 20

Certain doubts as to the *serment judiciaire* removed. VI. And whereas doubts exist and are entertained as to whether in causes of a commercial nature, it is competent for Courts to submit to either party the *serment judiciaire*: It is enacted and declared, that the said Courts may in such causes, as in all others of a Civil nature, defer the *serment judiciaire* to either party in the suit or action before them. 25

Recital. VII. And whereas uncertainty prevails as to whether the Act passed in the tenth and eleventh years of Her Majesty's Reign, intituled, "*An Act to repeal a certain Act therein mentioned, and to make better provision for the limitation of actions in Lower Canada,*" was intended to operate upon and apply to causes of action which had accrued before the passing of the said Act: It is enacted, that no action of account or upon the case, nor any action grounded upon any lending or contract without specialty, which accrued before the passing of the said Act, shall be maintainable in or with regard to any commercial matter, unless such action be commenced within three years next after this Act shall come in force, and all other provisions of the Act herein referred to, except the first section thereof, shall apply to the cases herein provided for. 30 35

As to the causes of action accrued before the passing of Act 10 and 11 Vic, c 11.