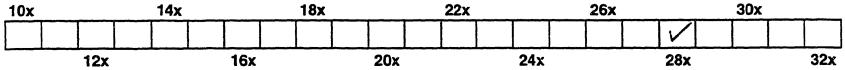
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2nd Session, 5th Parliament, 19 Victoria, 1856.

BILL.

An Act to amend the Law of Evidence in Upper Canada.

Received and read, first time, Thursday, 28th Feby., 1856.

Second reading, Thursday, 6th March, 1856.

Hon. Mr. Cameron.

TORONTO:
PRINTED BY JOHN LOVELL,
YONGE STREET.

An Act to amend the Law of Evidence.

HEREAS it would be highly conducive to the ends of Justice, if Preamble. all persons were allowed to give evidence in civil actions and proceedings, notwithstanding they may be parties to such actions or proceedings; Therefore Her Majesty, &c., enacts as follows:

I. All parties to civil actions and proceedings in any Court of Law or Parties to suits Equity, whether plaintiffs or defendants, demandants or tenants, may be may be witexamined as witnesses therein in their own behalf or otherwise, in the same manner as other witnesses; Provided always, that no such party Proviso: a shall be examined as a witness in his own behalf, unless he has given certain notice to the adverse party or his attorney, notice in writing of his intention to been given or offer himself as a witness, at least eight days before the time of his ex-received. amination, or unless he has received such notice from the adverse party of his intention to offer himself as a witness in his own behalf.

II. No party to a civil action or proceeding shall be examined as a Not to be wit-15 witness on his own behalf, in relation to any facts which if true must nesses in cerbe equally within the knowledge of the adverse party, if such adverse tain cases, if party is not an inhabitant of Upper Canada, or resident or being therein party be not in at the time for such examination.

Upper Canada.

III. In actions or proceedings brought or defended by or against the re- Nor in certain 20 presentatives of any deceased person, the adverse party shall not be ex- cases where amined on his own behalf, as to any facts which if true must have been the adverse party repreequally within the knowledge of the deceased person.

sents a deceas-

IV. Any executor, administrator, trustee, guardian, functionary, or other Notice not reperson, party to any such action or proceeding, who has no interest there- quired as to 25 in except his liability to costs, shall and may offer himself as a wit-parties only liable for costs. ness on his own behalf, or on behalf of the estate or person whom he represents, or be examined as a witness by the adverse party, in the same manner as any ordinary witness, without any such notice as aforesaid.

V. This Act shall apply only to Upper Canada.

Act limited to Upper Canada.