

No. 8.

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.

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An Act to amend the Law of Evidence.

WHEREAS 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 :

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

Parties to suits may be witnesses.
Proviso: a certain notice must have been given or received.

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

Not to be witnesses in certain cases, if the adverse party be not in Upper Canada.

20 III. In actions or proceedings brought or defended by or against the representatives of any deceased person, the adverse party shall not be examined on his own behalf, as to any facts which if true must have been equally within the knowledge of the deceased person.

Nor in certain cases where the adverse party represents a deceased person.

25 IV. Any executor, administrator, trustee, guardian, functionary, or other person, party to any such action or proceeding, who has no interest therein except his liability to costs, shall and may offer himself as a witness 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.

Notice not required as to parties only liable for costs.

V. This Act shall apply only to Upper Canada.

Act limited to Upper Canada.