

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers /
Couverture de couleur
- Covers damaged /
Couverture endommagée
- Covers restored and/or laminated /
Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) /
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations /
Planches et/ou illustrations en couleur
- Bound with other material /
Relié avec d'autres documents
- Only edition available /
Seule édition disponible
- Tight binding may cause shadows or distortion along
interior margin / La reliure serrée peut causer de
l'ombre ou de la distorsion le long de la marge
intérieure.
- Blank leaves added during restorations may appear
within the text. Whenever possible, these have been
omitted from filming / Il se peut que certaines pages
blanches ajoutées lors d'une restauration
apparaissent dans le texte, mais, lorsque cela était
possible, ces pages n'ont pas été filmées.
- Additional comments /
Commentaires supplémentaires: Cover title page is bound in as last page in
book but filmed as first page on fiche.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated /
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed /
Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies /
Qualité inégale de l'impression
- Includes supplementary material /
Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips,
tissues, etc., have been refilmed to ensure the best
possible image / Les pages totalement ou
partiellement obscurcies par un feuillet d'errata, une
pelure, etc., ont été filmées à nouveau de façon à
obtenir la meilleure image possible.
- Opposing pages with varying colouration or
discolourations are filmed twice to ensure the best
possible image / Les pages s'opposant ayant des
colorations variables ou des décolorations sont
filmées deux fois afin d'obtenir la meilleure image
possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x		14x		18x		22x		26x		30x	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12x		16x		20x		24x		28x		32x	

No. 167.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

**An Act to improve the Law of Evidence
in Upper Canada.**

Received and read a first time, Tuesday, 13th
March, 1849.

Second Reading, Tuesday, 20th March, 1849.

Mr. Sol. Genl. BLAKE.

PRINTED BY LOVELL AND GIBSON.

167

BILL.

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

WHEREAS the inquiry after truth in Preamble.
Courts of Justice is often obstructed
by incapacities created by the present law,
and it is desirable that full information as to
5 the facts in issue, both in criminal and in
civil cases, should be laid before the persons
who are appointed to decide upon them, and
that such persons should exercise their judg-
ment on the credit of the witnesses adduced,
10 and on the truth of their testimony: Be it
therefore enacted, &c.

And it is hereby enacted by the authority of
the same, That no person offered as a wit-
ness shall hereafter be excluded by reason of
15 incapacity, from crime or interest, from giving
evidence, either in person or by deposition,
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
20 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 consent of parties, authority to
hear, receive and examine evidence: but
25 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
30 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
35 been previously convicted of any crime or of-
fence: Provided that this Act shall not render Proviso: par-

ties to the suit
not to be wit-
nesses.

competent any party to any suit, action or proceeding individually named in the record; or any lessor of the plaintiff, or tenant of premises sought to be recovered in ejectment, or the landlord or other person in whose right any defendant in *replevin* may make cognizance, or any person in whose immediate or individual behalf any action may be brought or defended, either wholly or in part, or the husband or wife of such persons respectively. 5 10

II. And be it enacted, That nothing in this Act shall apply to or affect any suit, action or proceeding brought or commenced before the passing of this Act; and that this Act shall apply only to Upper Canada. 15