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No. 70.

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3rd Session, 6th Parliament, 23 Victoria, 1860.

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**BILL.**

**An Act to amend Chapter Thirty-two of the Consolidated Statutes of Upper Canada, intituled "An Act respecting Witnesses and Evidence."**

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Received and read, first time, Friday, 16th  
March, 1860.

Second Reading, Monday, 19th March,  
1860.

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**MR. WILSON.**

An Act to amend Chapter Thirty-two of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Witnesses and Evidence."

**WHEREAS** it is desirable to amend the Act, recited in the title of this Act and to extend the provisions thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :—

Preamble.

5 I. Section Five of the recited Act is hereby repealed.

10 II. On the trial of any issue, joined, or of any matter or question,—or on any inquiry arising in any suit, action, or other proceeding in any Court of Justice, or before any person having by law, or by consent of parties, authority to hear, receive and examine evidence,—the parties thereto and the persons on whose behalf any such suit, action or other proceeding may be brought or defended, shall, except as herein mentioned, be competent and compellable to give evidence either *vidâ voce* or by deposition according to law or to the practice of the Court, on behalf of either or any of the parties to the suit, action or other proceedings.

Parties to suits to be in all cases, except as herein after provided competent and compellable to serve as witnesses therein.

15 III. In the following cases no person shall be competent or compellable to give evidence for or against himself :—

Persons may not give evidence.

1. When in any criminal proceeding he is charged with the commission of an indictable offence, or with any offence punishable on summary conviction.

In proceedings against them for any offence.

20 2. When he is sued in any *quâ tam* or penal action for a penalty or forfeiture.

When sued in any penal action.

IV. In the following cases no husband shall be competent or compellable to give evidence for or against his wife, and no wife shall be competent or compellable to give evidence for or against her husband :—

In what cases husband may not give evidence for or against his wife and *vice versa*.

25 1. In any criminal proceeding, or

2. In any proceeding instituted in consequence of adultery.

V. No husband shall be compellable to disclose any communication made to him by his wife during the marriage.

As to communications by wife to husband.

30 VI. No person shall be compellable to answer any question tending to criminate himself or herself.

No one bound to answer questions tending to criminate him.