

Section.

10. Courts, &c. authorized to hear evidence empowered to administer an oath to witnesses.
11. Penalty, &c. for forging, &c. seal or signature of certain documents.
12. Substitution of affirmation for an oath.
13. False affirmation deemed perjury.
14. Credibility of witness, how impeachable by party producing him.
15. Inconsistency on cross examination, how to be established.
16. Examination of a witness as to previous written statements;
17. As to his conviction of a felony or misdemeanor.
18. Proof of instrument by an attesting witness, when unnecessary.
19. Comparison of disputed with genuine writing.

Section.

20. Affidavit in answer to affidavits involving new matter.
21. On hearing any motion or summons, production of documents or witnesses may be ordered;
22. Order to have force of Rule of Court; adjournment and conduct of proceedings.
23. Affidavits obtainable by Rule of Court when party refuses;
24. Proceedings on such order.
25. Production of documents in possession of adverse party.
26. Act 3 V. c. 65 as to proof of records and Letters Patent extended to Crown inquisitions, judgments, &c. and records of Court of Chancery.
27. First four Sections of this Act to come in force on 1st January 1857.

Passed 1st May 1856.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. On the trial of any issue joined, or of any matter or question, or any enquiry 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, no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest, from giving evidence either in person or by deposition, according to the practice of the Court; and the parties thereto, and the person in whose behalf any such suit, action, or other proceeding may be brought or defended, and the husbands and wives of the parties thereto, and the person in whose behalf any such suit, action, or other proceeding may be brought or instituted, or opposed, or defended, shall except as hereinafter excepted, be competent and compellable to give evidence, either *viva voce* or by deposition, according to the practice of the Court, on behalf of either or any of the parties to the suit, action, or other proceeding.

2. Nothing herein contained shall render any person who, in any criminal proceeding, is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself, or shall render any person compellable to answer any question intended to criminate himself; and nothing herein contained shall render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband, in any criminal proceeding, or in any proceeding instituted in consequence of adultery.

3. No husband shall be compellable to disclose any communication made to him by his wife during the marriage, and no wife shall be compellable to disclose any communication made to her by her husband during the marriage.

4. Nothing herein contained shall apply to any action, suit, proceeding, or bill, in any Court of Common Law or Court of Marriage and Divorce instituted in consequence of adultery.

5. All Proclamations, Treaties, and other Acts of State, of any Foreign State or of any British Colony, and all judgments, decrees, orders, and other judicial proceedings of any Court of Justice in the United Kingdom of Great Britain and Ireland, or in any Foreign State or in any British Colony; and all affidavits, pleadings, and other legal documents, filed or deposited in any such Court, may be proved in any Court of Justice or before any person having by law, or by consent of parties, authority to hear, receive, and examine evidence, either by examined copies or by copies authenticated as hereinafter mentioned, that is to say: If the document sought to be proved be a Proclamation, Treaty, or other Act of State, the authen-

ticated copy to be admissible in evidence must purport to be sealed with the seal of the Foreign State or British Colony which the original document belongs; and if the document sought to be proved be a judgment, decree, order, or other judicial proceeding of any British, Foreign, or Colonial Court or an affidavit, pleading, or other legal document, filed or deposited in any such Court, the authenticated copy to be admissible in evidence must purport either to be sealed with the seal of the said British, Foreign, or Colonial Court to which the original document belongs, or in the event of such Court having no seal, to be signed by the Judge, or if there be more than one Judge, by any one of the Judges of the said Court, and such Judge shall attach to his signature a statement in writing on the said copy, that the Court whereof he is a Judge has no seal; but if any of the aforesaid authenticated copies shall purport to be sealed or signed as hereinbefore respectively directed, the same shall respectively be admitted in evidence in every case in which the original document could have been received in evidence, without any proof of the seal where a seal is necessary, or of the signature or of the truth of the statement attached thereto where such signature and statement are necessary, or of the judicial character of the person appearing to have made such signature and statement.

6. Every document which by any law now in force is admissible in evidence of any particular, in any Court of Justice in England, without proof of the seal or stamp, or signature authenticating the same, or of the judicial or official character of the person appearing to have signed the same, shall be admitted in evidence to the same extent and for the same purposes in any Court of Justice in this Province, or before any person having therein, by law or by consent of parties, authority to hear, receive, and examine evidence without proof of the seal or stamp, or signature authenticating the same, or of the judicial or official character of the person appearing to have signed the same.

7. All affidavits for the purpose of holding persons to bail in this Province, or having relation to any judicial proceeding in any Court of Justice therein, purporting to be made before a Judge of any Court of Justice in the United Kingdom or in any Foreign State, or in any British Colony, if in other respects conformable to law and the practice of the Court in which they are designed to be used, may, notwithstanding they are made before a Judge of a British, Foreign, or Colonial Court, be received and acted upon, and shall have the same effect as if made before a Judge or other lawful authority in this Province, provided the same purport to be sealed with the seal of the British, Foreign, or Colonial Court, before one of the Judges of which they purport to be made, or in the event of such Court having no seal, provided the Judge whose name is subscribed thereto shall have attached to his signature a statement in writing on the affidavit, that the Court whereof he is a Judge has no seal; but if any such affidavit shall purport to be sealed and signed, or to be signed without being sealed, as hereinbefore respectively directed, the same shall be respectively received and acted upon as aforesaid, and admitted in evidence in every Court of this Province, without any proof of the signature of the Judge and seal of the Court where a seal is necessary, or of the signature, or of the truth of the statement attached thereto, where such signature and statement are alone required, or of the judicial character of the person appearing to have made such signature, or signature and statement respectively.