CAP. XX.

An Act to alter and amend an Act of the Fifteenth Year of Her present Majesty for amending the Law of Evidence in *Scotland*. [9th *May* 1853.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

§ 2. of 15 & 16 Vict. c. 27. repealed;

I. The Second Section of the Act of the Fifteenth Year of Her present Majesty, Chapter Twenty-seven, is hereby repealed.

and so much of § 1. as to Incompetency of Persons who are Agents in Actions being Witnesses.

II. So much of the First Section of the said Act as provides that "it shall not be competent to adduce as a Witness in any Action or Proceeding any Person who shall at the "Time when he is so adduced as a Witness be acting as Agent in the Action or Proceeding "in which he is so adduced, excepting in so far as the same may be competent by the "existing Law and Practice of *Scotland*," is hereby repealed.

As to Examination of Witnesses, whether named in the Record or not.

III. It shall be competent to adduce and examine as a Witness in any Action or Proceeding in *Scotland* any Party to such Action or Proceeding, or the Husband or Wife of any Party, whether he or she shall be individually named in the Record or Proceeding or not; but nothing herein contained shall render any Person, or the Husband or Wife of 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 herself, his Wife or her Husband, excepting in so far as the same may be at present competent by the Law and Practice of *Scotland*, or shall render any Person compellable to answer any Question tending to criminate himself or herself, or shall in any Proceeding render any Husband competent or compellable to give against his Wife Evidence of any Matter communicated by her to him during the Marriage, or any Wife competent or compellable to give against her Husband Evidence of any Matter communicated by him to her during the Marriage.

This Act not to apply to Cases of Adultery, &c.

IV. Nothing herein contained shall apply to any Action, Suit, or Proceeding instituted in *Scotland* in consequence of Adultery, or for dissolving any Marriage, or for Breach of Promise of Marriage, or in any Action of Declarator of Marriage, Nullity of Marriage, putting to Silence, Legitimacy, or Bastardy, or in any Action of Adherence or Separation.

Adducing of Party as a Witness not to have Effect of Reference to his Oath.

V. The adducing of any Party as a Witness in any Cause or Proceeding by the adverse Party shall not have the Effect of a Reference to the Oath of the Party so adduced: Provided always, that it shall not be competent to any Party who has called and examined the opposite Party as a Witness thereafter to refer the Cause or any Part of it to his Oath, and that in all other respects the Right of Reference to Oath shall remain as at present established by the Law and Practice of *Scotland*.

Not to affect Authority of Courts as to Judicial Examination.

VI. Nothing herein contained shall alter or affect the Authority or Practice of the Courts in *Scotland* as to Judicial Examination.

CAP. XXI.

An Act to authorize the Legislature of the Province of *Canada* to make Provision concerning the Clergy Reserves in that Province, and the Proceeds thereof. [9th *May* 1853.]

3 & 4 Vict. c. 78.

'WHEREAS the Act of the Session of Parliament holden in the Third and Fourth 'Years of Her Majesty, Chapter Seventy-eight, provides for the Sale of the Lands 'called Clergy Reserves in the Province of *Canada*, and for the Distribution of the Proceeds 'thereof;

'thereof; and it is expedient that the Legislature of the said Province should be enabled to 'make further Provisions in relation to such Reserves and Proceeds:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to the Legislature of Canada to alter the Appropriation of the Clergy Reserves and the Proceeds thereof, and to make such other Provisions as shall seem meet.

I. It shall be lawful for the Legislature of the Province of *Canada*, from Time to Time, by any Act or Acts to be for that Purpose made and enacted in the Manner and subject to the Conditions required by the Act of the said Session of Parliament holden in the Third and Fourth Years of Her Majesty, Chapter Thirty-five, Sections Thirty-seven, Thirty-eight, and Thirty-nine, in respect of Acts made and enacted by such Legislature, to vary or repeal all or any of the Provisions of the said first-mentioned Act of Parliament for or concerning the Sale, Alienation, and Disposal of the said Clergy Reserves, and for or concerning the Investment of the Proceeds of all Sales then made or thereafter to be made of such Reserves, and for or concerning the Appropriation and Application of such Proceeds and Investments, the Interest and Dividends thereof, the Interest accruing on Sales on Credit of such Reserves, the Rent of such Reserves for the Time being unsold, and all other the Profits of or accruing from such Reserves, and (notwithstanding the said first-mentioned Act of Parliament) to make such other Provisions for or concerning the Sale, Alienation, or Disposal of the said Clergy Reserves and such Investments as aforesaid, and for or concerning the Appropriation and Application of such Clergy Reserves, Proceeds, Investments, Interest, Dividends, Rents, and Profits, as to the said Legislature may seem meet.

The said Legislature not authorized to interfere with existing Interests.

II. Provided, That it shall not be lawful for the said Legislature, by any Act or Acts thereof as aforesaid, to annul, suspend, or reduce any of the annual Stipends or Allowances which have been already assigned and given to the Clergy of the Churches of *England* and *Scotland*, or to any other Religious Bodies or Denominations of Christians, in *Canada*, (and to which the Faith of the Crown is pledged,) during the natural Lives or Incumbencies of the Parties now receiving the same, or to appropriate or apply to any other Purposes such Part of the said Proceeds, Investments, Interest, Dividends, Rents, and Profits as may be required to provide for the Payment of such Stipends and Allowances during such Lives and Incumbencies.

CAP. XXII.

An Act for making further Provision for the Execution of the Office of Examiner of the High Court of Chancery. [9th *May* 1853.]

'WHEREAS by an Act passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, Chapter One hundred and sixty-four, it was amongst other 'things enacted, that the Persons to be in future appointed to the Office of Examiners of 'the High Court of Chancery should take and subscribe in open Court the usual Oaths of 'Supremacy and Abjuration, and also an Oath to the Purport or Effect therein set forth: 50 G. 3. c. 164.
'And whereas by an Act passed in the Session of Parliament held in the Fifteenth and 'Sixteenth Years of the Reign of Her present Majesty, Chapter Eighty-six, it was enacted, 15 & 16 Vict. c. 86.
'that the Mode of examining Witnesses in Causes in the said Court, and the Practice of 'the said Court in relation thereto, so far as such Practice should be inconsistent with the 'Mode therein-after prescribed by examining Witnesses, should be abolished, and that the 'Evidence of Witnesses to be adduced in Causes depending in the said Court might be taken 'orally, and that such oral Examination should take place in the Presence of the Parties, 'their Counsel, Solicitors, or Agents, and that the Witnesses so to be examined should be 'subject to Cross-examination and Re-examination, as therein directed: And whereas, by 'reason of the Alterations in the Practice of taking the Examination and Depositions of 'Witnesses established by the said last-recited Act, it is expedient that the Oath to be 'taken by the future Examiners of the said Court should be altered:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the