

for (*here state the cause of action briefly*). And this Deponent further saith, that he hath good reason to believe, and verily doth believe, that the said C. D. hath absconded from this Province with intent and design to defraud the said A. B. (*the creditor*) of the said debt, and hath left personal property liable to seizure under execution for debt within the District of _____; or that the said C. D. (is or are) about to abscond from this Province, or to leave the District of _____, with intent and design to defraud the said _____ (*the creditor*) of the said debt, taking away personal estate liable to seizure under execution for debt; or that the said C. D. is concealed within the District of _____, to avoid being served with Process, with intent and design to defraud the said _____ (*the creditor*) of his said debt; and this Deponent further saith, that this affidavit (*or affirmation, as the case may be,*) is not made, nor the Process thereon to be issued, from any vexatious or malicious motive whatever.

Sworn (*or affirmed, as the case may be,*) before me, }
 the _____ day of _____, one thousand } *Signature of Deponent here.*
 eight hundred and _____

SCHEDULE B.

District of _____ } To A. B., Bailiff of the Division Court of the said
 (*Here insert the District.*) } District of _____, or

To A. B., a Constable of the said District of _____ (*as the case may be.*)

You are hereby commanded to attach, seize, take and safely keep all the personal estate and effects of C. D. (*naming the debtor,*) an absconding, removing or concealed debtor, of what nature or kind soever, liable to seizure under execution for debt, within the said District of _____ (*here name the District,*) or a sufficient portion thereof to secure A. B. (*here name the creditor*) for the sum of (*here state the amount sworn to be due,*) together with the costs of his suit thereupon, and to return this Warrant with what you shall have taken thereupon, to the Clerk of the (*here state the number of the Division*) Division Court of the District aforesaid forthwith—and herein fail not.

Witness my hand and seal, the _____ day of _____, 18 _____
 E. F., [L.S.]
 Clerk, Judge or Justice of the Peace, (*as the case may be.*)

C A P. L X X.

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

[30th May, 1849.]

Preamble.

WHEREAS the inquiry after truth in Courts of Justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to 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 person should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony:

testimony: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That 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, on the trial of any issue joined, or of any matter or question or on any inquiry arising in any 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 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 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 been previously convicted of any crime or offence: Provided that this Act shall not render 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.

Persons offered as witnesses not to be excluded for certain causes.

Proviso: parties to the suit not to be witnesses.

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.

To what cases this Act shall apply.

CAP. LXXI.

An Act to simplify the transfer of Real Property in Upper-Canada, and to render certain rights and interests therein liable under execution.

[30th May, 1849.]

FOR simplifying the Assurance of Property by Deeds, and for facilitating the remedy of Judgment Creditors against the Property of their Debtors: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows, that is to say: the word "Land" shall extend to messuages, lands, tenements, and hereditaments, whether

Preamble.

Interpretation of certain words in this Act.