

BRITISH COLUMBIA.

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No. 2. An Ordinance to amend the law of Evidence.

[8th February, 1865.]

WHEREAS doubts have arisen as to the competency of the Ab- Preamble.
origines to give evidence in Courts of Law in the Colony, by reason of their imperfect comprehension of the obligations now necessary to give validity to their testimony, and whereas it is expedient for the ends of Justice, and the removal of such doubts, to enable such testimony to be taken:

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:

I. In any civil action, or upon any inquest, or upon any inquiry into any matter or complaint or otherwise, or upon the trial of any crime or offence whatsoever, or by whomsoever committed, it shall be lawful for any Court, Judge, Coroner, Gold or other Commissioner, or Justice of Peace, in the discretion of such Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace, to receive the evidence of any Aboriginal Native, or Native of the half-blood, of the Continent of North America, or the Islands adjacent thereto, being an uncivilized person, destitute of the knowledge of God, and of any fixed and clear belief in religion or in a future state of rewards and punishments, without administering the usual form of oath to any such Aboriginal Native or Native of the half-blood as aforesaid, but upon his affirmation or declaration to tell the truth, the whole truth, and nothing but the truth, or in such other form as may be approved by such Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace.

Aboriginals and Natives of the half-blood, may be examined in all civil and criminal proceedings.

II. Provided that in the case of any proceeding in the nature of a preliminary inquiry, the substance of the evidence or information of any such person as aforesaid shall be reduced to writing, and signed by a mark by the person giving the same, and verified by the signature or mark of the person acting as interpreter, if any, and of the Coroner, Justice of the Peace, or person before whom such information or evidence shall have been given.

Preliminary examination to be in writing, duly certified.

III. The Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace, shall before taking any such evidence, information or examination, caution every such Aboriginal Native or Native of the half-blood, that he will be liable to incur punishment if he do not, so as aforesaid, tell the truth.

Preliminary caution to be given to Native.