

An Act for the further amendment of the law of evidence in certain cases.

WHEREAS the discovery of truth in courts of justice has been signally promoted by the removal of restrictions on the admissibility of witnesses, and it is expedient to amend the law of evidence with the object of still further promoting such discovery: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

1. If any person called to give evidence in any criminal proceeding, or in any civil proceeding in respect of which the Parliament of Canada has jurisdiction in this behalf, objects to take an oath or is objected to as incompetent to take an oath, such person shall, if the presiding judge is satisfied that the taking of an oath would have no binding effect on his conscience, make the following solemn promise and declaration.

Provision in case of witness objecting or objected to as incompetent to take an oath, &c.

"I solemnly promise, affirm and declare that the evidence to be given by me shall be the truth, the whole truth, and nothing but the truth."

Solemn promise and declaration.

And any person who, having made such promise, affirmation and declaration, wilfully and corruptly gives false evidence, may be indicted, tried, convicted and punished for perjury, as if he had taken an oath.

False evidence punishable as perjury.

2. If any person, called as a witness in any court of criminal jurisdiction or in any civil proceeding, in respect of which the Parliament of Canada has jurisdiction in this behalf, or required or desiring to make an affidavit or deposition in the course of any such proceeding, shall refuse or be unwilling from alleged conscientious motives, to be sworn, or shall declare that an oath is not binding on his conscience, it shall be lawful for the court or judge or other presiding officer or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following, that is to say:

Provision in other cases of similar nature.

"I, A. B., do solemnly, sincerely, and truly affirm and declare, that the taking of an oath is" (according to my religious belief, unlawful, or not binding on my conscience, as the case may be), "and I do also solemnly, sincerely and truly affirm and declare that, &c."

Form of declaration or affirmation.