## Technical and Bibliographic Notes / Notes techniques et bibliographiques

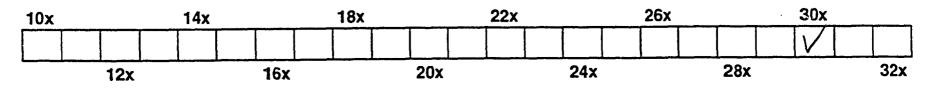
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Commentaires supplémentaires:



2nd Session, 7th Parliament, 26 Victoria, 1868

## BILL.

An Act to extend the provisions of the Consolidated Statute for Upper Canada, Chapter thirty-two, respecting witnesses and evidence.

Received and read, first time, Monday, 16th March, 1863.

Second reading, Wednesday, 18th March, 1863.

MR. SCOBLE.

## QUEBEC:

PRINTED FOR THE CONTRACTORS BY HUNTER, ROSE & LEMIBUX, ST. URSULE STREET.

## BILL.

1863.

An Act to extend the provisions of Chapter thirty-two of the Consolidated Statutes for Upper Canada, respecting witnesses and evidence.

WHEREAS it is expedient to grant relief to persons who, from Preamble. conscientious motives may refuse or be unwilling to be sworn or to take any oath; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as 5 follows:

1. In any case in which an oath, declaration, or affirmation is required Persons havby law, or upon any lawful occasion whatever on which the oath of any ing scruples person is admissable, any person who shall from conscientious motives ing an oath, or religious scruples refuse or be unwilling to be sworn or take any oath, may affirm.

10 may make his or her solemn declaration, in the form of words following, or in words to the same effect, viz :

"I, A. B. do solemnly and truly affirm and declare that the taking of Form. any oath is according to my religious belief, unlawful : and I do also solemnly and sincerely, and truly declare and affirm, that," &c., 15 which solemn affirmation or declaration shall be of the same force and

effect as if such person had taken an oath in the usual form. Effect.

Every person authorized or required to administer an oath for any Persons who purpose, may administer an affirmation or declaration, in the cases pro- might administer oath, vided for by this Act, instead of an oath, upon being satisfied of the may adminis-20 sincerity of the declarant's or affirmant's objection from conscientious ter affirmation.

**3.** The jurat of every written deposition, affirmation, or declaration What the authorized by this Act, shall contain a certificate of the officer or person jurat must before whom it is taken, or by whom it is administered, that he was satis-

25 fied of the sincerity of the affirmant's or declarant's objection to being sworn, or to take any oath, and therefore permitted such person to affirm and declare, instead of swear to the same.

No person offered as a witness shall, by reason of defect or pecu. Peculiarity or liarity of religious principle, be excluded from giving evidence, either in defect of religious principle, be excluded from giving evidence, either in ligious principle, or person or by deposition, according to the practice of the court, on the ciple not to trial of any issue joined, or of any matter or question, or on any enquiry disqualify as arising in any suit, action or proceeding, civil or criminal, in any court, a witness, or before any Judge, Jury, Sherift, Coroner, Arbitrator, Magistrate, Officer or person having by law or by consent of parties authority to hear 35 and examine witnesses.

5. Every person so offered, shall be admitted and be compellable to Such persons give evidence on oath, or solemn affirmation where affirmation is receiv- be examined. able, notwithstanding that such person has, or may labor under, or have some defect, or entertain some peculiarity of religious principle.

Weight to be given to such to be attached to his or her evidence and statements and his probity, testimony to be in the dis-shall in all cases be considered by the court, or person, or officer before crotion of Court, Jury, shall be always considered as in the discretion of the Court, Jury, Officer, 5 crotion or person or persons who have to deal with the same in all cases.

False affirmation, &c., to be punishable shall give evidence under this Act, shall wilfully, falsely, and corruptass perjury.
If any person making a solemn affirmation or declaration, or who the same perjury.
If any person making a solemn affirmation or declaration, or who the same perjury.
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Act limited to U.C.

S. This Act shall extend only to Upper Canada.

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