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No. 12.

3rd Session, 5th Parliament, 20 Victoria, 1857.

BILL.

An Act to authorize the Legislative Council and Assembly to examine witnesses on oath, and to enforce the attendance of such witnesses.

Received and read, first time, Tuesday, 3rd March, 1857.

Second reading, Monday, 9th March, 1857.

HON. MR. CAMERON.

An Act to authorize the Legislative Council and Assembly of Canada, or any Committee thereof, to examine witnesses on oath, and to enforce the attendance of witnesses.

- WHEREAS** it would tend greatly to the public advantage if witnesses were subject to examination on oath, when brought before the Legislative Council or Legislative Assembly of this Province or any Committee of the said Council or Assembly, and also if more efficient means were provided by law for enforcing the attendance of such witnesses and compelling them to discover testimony: Therefore, Her Majesty &c.:
- I.** From and after the passing of this Act it shall and may be lawful for the Legislative Council or Legislative Assembly of this Province to direct that any witness appearing before such Council or Assembly respectively, shall be examined on oath, and such oath shall and may be administered by the Clerk or Assistant Clerk of the said Council or Assembly, before which such witness shall appear.
- II.** The said Council and Assembly respectively shall and may authorize and empower any Committee of such Council and Assembly respectively, to examine on oath any witness that may appear before such Committee, and such oath shall and may be administered by the Chairman for the time being of such Committee.
- III.** Any witness examined on oath as aforesaid, or on declaration or affirmation, when declaration or affirmation is allowed by law in lieu of an oath, and wilfully giving false testimony, shall on conviction be liable to all the pains and penalties of the crime of perjury.
- IV.** Any witness summoned by the authority of the Legislative Council or Assembly, or any Committee of the Legislative Council or Assembly, who shall wilfully fail to appear upon such summons, or shall refuse to answer any question, or produce any paper or document within his custody or power, pertinent to the matter in question as the subject of his examination, shall in addition to the pains and penalties now existing, be liable to be indicted for a misdemeanor, before any Court of Oyer and Terminer or General Gaol Delivery, and on conviction pay a fine not less than fifty pounds, nor exceeding two hundred pounds, and suffer imprisonment in any common gaol or prison in the county or district where the offence is tried, not exceeding six calendar months.
- V.** No witness examined as aforesaid shall be liable to any criminal prosecution, or any penalty or forfeiture for any matter or thing which

Preamble.

Legislative Council or Assembly may examine witnesses on oath.

May empower Committees so to examine.

Wilful false evidence to be perjury.

Refusal of witness to attend or to give evidence, to be a misdemeanor.

Punishment.

Indemnity to witnesses for evidence given

&c.—Not
bound to ac-
cuse them-
selves.

Proviso.

shall be stated or testified by him in such examination, nor shall any state-
ment made or paper or document produced by any such witness be admit-
ted as evidence against such witness in any criminal proceeding or
prosecution for any penalty or forfeiture, and no such witness shall be 5
allowed to refuse to answer any question on the ground of interest, without
the answer would tend to render him liable to any criminal proceeding,
forfeiture or penalty, or tend to his infamy or disgrace: Provided always,
that nothing herein contained shall apply to exempt any such witness from
prosecution for perjury for any false testimony given by him on any such 10
examination.