

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1860. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1860.

23 Victoria – Chapter 2

An Act to provide for the attendance and examination on oath of Witnesses before the Legislature or Committees thereof. Passed 8th March 1860.

Section.

1. Committees authorized send for persons or papers, and examine on oath.
2. Authority to administer the oath.
3. Penalty for non-appearance or misconduct of Witnesses.
4. Falsely testifying, deemed perjury.
5. Expenses of Witnesses, how defrayed.
6. Summons, how to be signed and served.

Section.

7. Powers under this Act to be specially delegated to Committees.
 8. Certified proceedings to be evidence in Courts of Law.
 9. Protection of Members of the Legislature and Witnesses.
 10. Limitation of Act.
- Schedule - Oath, Summons.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That any joint Committee of the Legislative Council and House of Assembly, or any Committee of the Legislative Council, or of the House of Assembly, appointed for the purpose of making any investigation or enquiry in relation to any public office or public work, and authorized as hereinafter provided, shall have full power to send for persons, papers, and records, and to examine all Witnesses on oath.
2. The Chairman of any such Committee, or in his absence any member thereof, shall have full power during the sitting of and in the presence of such Committee, to administer the Witnesses' oath in the Schedule to this Act appended, marked A, to any person or Witness attending before such Committee; and a minute of such oath having been administered, shall be duly entered on the minutes of the proceedings of such Committee.
3. If any person duly served with the Summons, letter B in Schedule hereto, and having his reasonable expenses tendered unto him, if demanded, shall wilfully disobey such summons, or if any Witness before such Committee shall misdemean himself in giving, or refusing to give evidence, the Chairman or any member of the Committee, by resolution of a majority of such Committee, may at any time during the investigation or enquiry, report such misconduct to the Legislative Council or House of Assembly from whichever branch of the Legislature such Committee may have been formed, or if a joint Committee of both Houses then to both; and the Legislative Council or House of Assembly may commit the offender into custody for contempt, for any period during the then Session of the Legislature.

4. Any person duly sworn, wilfully and falsely testifying before such Committee, in any matter material to the investigation or enquiry in question, shall be deemed guilty of perjury, and on conviction shall suffer the penalties prescribed by Law for the crime of perjury.
5. All persons and Witnesses summoned to attend, and attending before any such Committee, shall be entitled to their reasonable expenses, and shall be paid by Warrant of His Excellency the Lieutenant Governor, on such expenses being duly certified by the Chairman of such Committee.
6. That the summons to be issued under this Act, shall be signed by the Chairman, or in his absence by any two members of the Committee, and shall be personally served upon the party to whom it may be directed.
7. That in order to exercise the powers vested by this Act, the same shall be specially delegated to any such Committee, by resolution of the Legislative Council or House of Assembly, from which such Committee may be formed, or by joint resolution of the Legislative Council and House of Assembly, in case the Committee shall be a joint Committee of both Houses.
8. That for the purposes of this Act, a copy of the resolution or resolutions forming such Committee, and delegating such powers, and of the evidence taken before such Committee, duly certified by the Clerk of the House, shall be evidence in all Courts of Law, of the fact of such Committee under this Act having been formed, and of such evidence having been given.
9. Provided that no Member of the Legislative Council or Assembly, shall be subject to any of the provisions of this Act; but any such Member may, by leave of the House to which he belongs, attend the other House or any of the Committees raised as aforesaid as heretofore accustomed and according to Parliamentary usage; and provided also, that no Witness who may attend any Committee under this Act, shall be compelled to answer any question which may criminate himself, or answer any question which in a Court of Justice he could not be required to answer, or produce any paper which in such Court he could not be required to produce; nor shall any evidence given by such Witness subject him to any action or proceeding whatever by any party in any Court of Law, nor be used against him in any case, other than on an indictment for perjury under this Act.
10. This Act shall not be in force for any longer time than two years from the time of the passing thereof, and thence to the end of the then next Session of the General Assembly.

SCHEDULE.

A

Form of Oath.

The evidence you shall give before the Committee now sitting, touching the matter in question, shall be the truth, the whole truth, and nothing but the truth.—So help you God.

B

You are hereby summoned to attend personally before a Committee of the House of Assembly [or of the Legislative Council, or before a joint Committee of the Legislative Council and House of Assembly, or before the Legislative Council or House of Assembly, as the case may be,] at _____ on the ___ day of _____ at the hour of _____ o'clock in the noon of same day, then and there to testify the truth according to your knowledge in a certain investigation or enquiry, concerning [here state generally the subject] now pending; and this you shall by no means omit, under the penalties in such case provided.

Dated the ___ day of _____ A. D. 186___.

A. B. Chairman.