

STATUTES,

OF

Upper Canada,

PASSED IN THE FIRST SESSION OF THE TENTH PROVINCIAL PARLIAMENT.

MET AT YORK ON THE EIGHTH DAY OF JANUARY 1829, AND PROROGUED ON THE TWENTIETH DAY OF MARCH, IN THE TENTH YEAR OF THE REIGN OF GEORGE IV.

SIR JOHN COLBORNE, K. C. B.

LIEUTENANT GOVERNOR.

ANNO DOMINI 1829.

CHAP. I.

AN ACT to provide for the Admission of the Evidence of Quakers, Menonists, Tunkers and Moravians, in Criminal Cases.

[*Passed 20th March, 1829.*]

WHEREAS the Administration of the Law in Criminal proceedings is much impeded by reason that the evidence of persons belonging to certain Religious Sects, who from scruples of conscience decline taking an Oath, cannot be received, to the impunity of Offenders, and the consequent encouragement of Crime—for remedy whereof, *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the au-^{Preamble.}

Quakers, Menonists, Tunkers and Moravians admit to give evidence in criminal cases.

Form of affirmation.

Previous declaration.

Evidence so given to have the same effect as if on Oath.

All persons authorised to administer oaths in Criminal cases may take affirmations.

Perjury may be assigned on false affirmation.

Persons admitted to affirm under this Act not to serve on Juries in Criminal cases.

thority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that from and after the passing of this Act, every Quaker, Menonist or Tunker, or person being a member of the Church or Congregation known by the name of "Unitas Fratrum" or the United Brethren, sometimes otherwise called the Moravian Church, in any Criminal Case in which an Oath is required by Law, or upon any lawful occasion whatever in the administration of the Law, for the prevention or punishment of offences wherein the Oath of any persons can be admitted, may make his or her affirmation or declaration in these words following, that is to say:—I, A. B. do solemnly, sincerely and truly declare and affirm," having first made the following declaration or affirmation, viz:—I, A. B. do solemnly, sincerely and truly declare, that I am one of the Society called Quakers, Menonists, Tunkers, or Unitas Fratrum, or Moravians, (as the case may be,) which affirmation or declaration as aforesaid, of any Quaker, Menonist, Tunker, or person being of the said Church or Congregation called Moravians or United Brethren, shall be and is hereby declared to be of the same force and effect to all intents and purposes, in all Courts of Law or other places where by Law an Oath is or shall be allowed, authorised, directed or required for the purposes aforesaid, as an Oath taken in the usual form: and all and every person and persons who is or are or shall be authorised or required to administer any Oath for any of the purposes aforesaid, by any Law now in force or hereafter to be made, although no express provision is made for that purpose in any such Law, shall be and is or are hereby required to administer such affirmation or declaration.

II. *And be it further enacted by the authority aforesaid,* That if any person making such affirmation or declaration, shall be lawfully convicted of having wilfully, falsely and corruptly affirmed and declared any matter or thing which if the same had been deposed in the usual form upon Oath, would have amounted to wilful and corrupt Perjury, every such person so offending, shall incur and suffer all the pains, penalties, forfeitures, and disabilities, which by the Laws now in force are to be inflicted on persons convicted of wilful and corrupt Perjury.

III. *And be it further enacted by the authority aforesaid,* That no Quaker, Menonist or Tunker, or person belonging to the Society of United Brethren or Moravians, shall by virtue of this Act be qualified or permitted to serve on Juries, in Criminal Cases.