

No. XVI.

AN ORDINANCE for the Admission in certain cases of Unsworn Testimony in Civil and Criminal Proceedings. [16th July, 1844.]

UNSWORN TESTI-
MONY.

WHEREAS by an Act of Parliament passed in the sixth year of the reign of Her Majesty Queen Victoria, chap. 22, intituled "*An Act to authorize the Legislatures of certain of Her Majesty's Colonies to pass Laws for the Admission in certain cases of Unsworn Testimony in Civil and Criminal Proceedings,*" power is given to the Legislatures of Her Majesty's Colonies to pass laws for the admission of the evidence of persons of the native races of such Colonies who by reason of defect of religious knowledge and belief would not otherwise be competent to give evidence in any Court of Justice: And whereas it is expedient to carry into effect in this Colony the intention of the said Act:

Preamble reciting
6 Vict. c. 22.

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. Any person of the aboriginal native race of the Islands of New Zealand or of countries adjacent thereto who by reason of defect of religious knowledge and belief would be by law incompetent to give evidence in any Court, shall be permitted to give evidence in any proceeding, civil or criminal, before any Justice of the Peace or before jury, upon making an affirmation that he will speak the truth, the whole truth, and nothing but the truth, and the evidence so given shall have the weight to which such Justice of the Peace or such jury may deem it to be entitled.

Certain persons may
give evidence on
affirmation.

2. All persons of whose parents one only shall be of the aboriginal race shall be deemed and taken to be of the aboriginal race within the provisions of this Ordinance.

Who to be deemed
of the aboriginal race.

3. If any person so making affirmation as aforesaid shall wilfully give false evidence, he shall be deemed guilty of a misdemeanour.

Persons giving false
evidence to be deemed
guilty of a misde-
meanour.
