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# GEORGII IV. REGIS.

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## C A P. XXXII.

## An Act for amending the Law of Evidence in certain Cases. [27th *June* 1828.]

WHEREAS it is expedient that Quakers and Moravians should be allowed to give Evidence upon their solemn Affirmation in all Cases, Criminal as well as Civil; and that, in Prosecutions for Forgery, the Party interested should be rendered a competent Witness: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Quaker or Moravian who shall be required to give Evidence in any Case whatsoever, Criminal or Civil, shall, instead of taking an Oath in the usual Form, be permitted to make his or her solemn Affirmation or Declaration in the Words following; that is to say, "I *A.B.* do solemnly, sincerely, and truly declare and affirm;" which said Affirmation or Declaration shall be of the same Force and Effect in all Courts of Justice, and other Places where by Law an Oath is required, as if such Quaker or Moravian had taken an Oath in the usual Form; and if any Person making such Affirmation or Declaration shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any Matter or Thing, which if the same had been sworn in the usual Form would have amounted to wilful and corrupt Perjury, every such Offender shall be subject to the same Pains, Penalties, and Forfeitures to which Persons convicted of wilful and corrupt Perjury are or shall be subject.

Qunkers or Moravians required to give Evidence may, instead of an Oath, make their solemn Affirmation, which shall be of the same Effect in all Cases, Civil or Criminal.

The Party whose Name is forged shall be a competent Witness in Prosecutions for Forgery.

II. And be it enacted, That on any Prosecution by Indictment or Information, either at Common Law, or by virtue of any Statute, against any Person, for forging any Deed, Writing, Instrument, or other Matter whatsoever; or for uttering or disposing of any Deed, Writing, Instrument, or other Matter whatsoever, knowing the same to be forged; or for being Accessory before or after the Fact to any such Offence, if the same be a Felony; or for aiding, abetting, or counselling the Commission of any such Offence, if the same be a Misdemeanor; no Person shall be deemed to be an incompetent Witness in support of any such Prosecution, by reason of any Interest which such Person may have or be supposed to have in respect of such Deed, Writing, Instrument, or other Matter.

Every Punishment for Felony, after it has been endured, shall have the Effect of a Pardon under the Great Seal.

III. And whereas it is expedient to prevent all Doubts respecting the Civil Rights of Persons convicted of Felonies not capital, who have undergone the Punishment to which they were adjudged; be it therefore enacted, That where any Offender hath been or shall be convicted of any Felony not punishable with Death, and hath endured or shall endure the Punishment to which such Offender hath been or shall be adjudged for the same, the Punishment so endured hath and shall have the like Effects and Consequences as a Pardon under the Great Seal as to the Felony whereof the Offender was so convicted: Provided always, that nothing herein contained, nor the enduring of such Punishment, shall prevent or mitigate any Punishment to which the Offender might otherwise be lawfully sentenced on a subsequent Conviction for any other Felony.

No Misdemeanor (except Perjury) shall render a Party an incompetent Witness after he has undergone the Punishment.

IV. And whereas there are certain Misdemeanors which render the Parties convicted thereof incompetent Witnesses, and it is expedient to restore the Competency of such Parties after they have undergone their Punishment; be it therefore enacted, That where any Offender hath been or shall be convicted of any such Misdemeanor, (except Perjury or Subornation of Perjury,) and hath endured or shall endure the Punishment to which such Offender hath been or shall be adjudged for the same, such Offender shall not, after the Punishment so endured, be deemed to be by reason of such Misdemeanor an incompetent Witness in any Court or Proceeding, Civil or Criminal.

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