

Statutes of Upper-Canada, Passed in the first session of the fifth provincial parliament (1809).
From *The Provincial Statutes of Upper-Canada: Revised, Corrected, and Republished* (York, R. C. Horne, 1818.)

49 George III – Chapter 6

An Act for the relief of Menonists and Tunkers in certain Cases. (Passed 9th March, 1809.)

Whereas, the Religious Societies of the Menonists and Tunkers, from scruples of Conscience against taking an Oath, are subject to many inconveniencies to themselves and families, as well as to others who may require their evidence; 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 authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, '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 Menonist or Tunker, in any case in which an Oath is required by Law, or upon any lawful occasion, wherein the Affirmation or Declaration of a Quaker will by Law be admitted, shall be, and is hereby permitted to make His or her, Affirmation or Declaration in the same manner and form as a Quaker by the Laws now in force is required to do, having first made the following Affirmation or Declaration, that is to say:—"I, A. B. do solemnly, sincerely, and truly affirm and declare, that I am one of the Society of Tunkers or Menonists," (as the case may be) which affirmation or declaration as aforesaid of any Menonists or Tunker, except as hereinafter excepted, is hereby declared to be of the same force and effect to all intents and purposes in all Courts of Justice and other places where the Law an oath is or shall be allowed; authorised, directed or required, as if such Menonist or Tunker [anabaptist] had taken an oath in the usual form, and all and every person or persons who is or are, or shall be authorised or required to administer any oath required by any Law now in force or hereafter to be made, although no express provision is made for the 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 as 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 Menonist or Tunker shall by virtue of this Act be qualified or permitted to give evidence in any criminal cases, or to serve on juries in criminal cases, or to hold or enjoy any office or place in the Government in this Province, any thing herein contained to the contrary notwithstanding.