

CAP. XVIII.

An Act for making one uniform provision respecting certain Official and other Oaths to be taken in this Province, and for other purposes therein mentioned.

[ 24th July, 1850. ]

Preamble.

Act U. C. 3 W. 4, c. 12, cited.

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The said Act repealed.

No other oath but those hereinafter prescribed to be required of certain Officers, &c.

The oath of Allegiance.

Oath for faithful performance of duties.

The said form and no other to be that to be used in all cases in this Province.

Who may administer it.

WHEREAS the Oaths required to be taken as a qualification for Office or for other temporal purposes, are in Upper Canada prescribed by an Act of the late Parliament of that part of the Province passed in the third year of the reign of His late Majesty King William the Fourth, chaptered twelve, and intituled, *An Act to dispense with the necessity of taking certain oaths and making certain declarations in the cases therein mentioned; and also to render it unnecessary to receive the Sacrament of the Lord's Supper, as a qualification for offices or for other temporal purposes;* And whereas with a view to making the law uniform in this respect in both sections of the Province, it is expedient to repeal the said Act and to re-enact the provisions thereof, making them applicable to the whole Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That the said recited Act shall be and the same is hereby repealed.

II. And be it enacted, That from and after the passing of this Act, it shall not be necessary for any person appointed or to be appointed to any office in this Province, civil or military, or who is or may be Mayor or other officer or member of any Corporation therein, or for any person admitted, called or received or hereafter to be admitted, called or received as a Barrister, Advocate, Notary Public, Attorney, Solicitor or Proctor, to make any declaration or subscription, or to take or subscribe any other oath than the oath following, that is to say:

"I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, (or the reigning Sovereign for the time being,) as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province, dependant on and belonging to the said Kingdom, and that I will defend Her to the utmost of my power against all traitorous conspiracies or attempts whatever which shall be made against Her Person, Crown and Dignity, and that I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs or Successors, all treasons or traitorous conspiracies and attempts which I shall know to be against Her or any of them; and all this I do swear without any equivocation, mental evasion or secret reservation, and renouncing all pardons and dispensations from any person or power whatsoever to the contrary; So help me God."

And also such oath for the faithful performance of the duties of his office or for the due exercise of his profession or calling as hath been heretofore required, or shall be hereafter required in any Act to be passed in that behalf.

III. And be it enacted, That the form hereinbefore set forth, and no other, shall be that of the Oath of Allegiance to be administered to and taken by all persons in this Province who, either of their own accord or in compliance with any lawful requirement made on them to take the Oath of Allegiance to Her Majesty, Her Heirs or Successors, or in obedience to the directions of any Statute either of the Imperial or Provincial Parliament therefor, shall be willing or desirous to take the same to Her Majesty, Her Heirs or Successors in this Province; and the power to tender and administer such Oath is hereby declared to be vested in all Magistrates and other Officers now lawfully authorized or hereafter to be lawfully authorized, either by virtue of their Office or by Special Commission from the Crown for that purpose, to administer the Oath of Allegiance in this Province or any part thereof.

IV. And be it enacted, That the said Oath of Allegiance <sup>herein prescribed</sup> ~~hereinbefore~~ set forth, together with the Oath of Office or Oath for the due exercise of any profession or calling, respectively, shall be and is hereby required to be taken within the same period and in the same manner, and subject to the like disabilities and penalties for the omission thereof, as is now by law provided with respect to the Oaths heretofore required to be taken in any case respectively.

Oath to be taken within the time now by law provided, set forth, &c.

V. And be it enacted, That all such persons as are or shall be allowed by law to affirm instead of swear in civil cases in this Province or any part thereof, shall be received to take an affirmation of Allegiance in the like terms *mutatis mutandis*, as those herein and hereby prescribed for the said Oath of Allegiance, which affirmation of Allegiance shall in all cases be received and accepted from such persons in lieu of such oath, and the taking of such affirmation of Allegiance before the proper officer shall in the case of all such persons have the like effect to all intents and purposes whatsoever, as if the same had been the said Oath of Allegiance herein and hereby prescribed as aforesaid; and the power to tender and administer such affirmation to all such persons so entitled to take the same, is hereby declared to be vested in all Magistrates and other Officers now lawfully authorized or hereafter to be lawfully authorized, either by virtue of their office or by special commission from the Crown for that purpose, to administer the Oath of Allegiance in this Province or any part thereof.

Affirmation instead of oath, in certain cases.

Its effect.

By whom it may be administered.

VI. And be it enacted, That it shall not be necessary for any person for the purpose of qualifying himself to hold office in this Province or any part thereof, or for any other temporal purpose, privilege or advantage whatsoever within the same or any part thereof, to take or receive the Sacrament of the Lord's Supper according to the Rites or Usages of the Church of England, or to deliver a Certificate or make proof of his having received the said Sacrament in manner aforesaid; and that no person shall hereafter within this Province or any part thereof, be subject to any penalty, forfeiture, incapacity or disability whatsoever, for or by reason of his not having so taken or received the said Sacrament.

No person need take the Sacrament as a qualification for any office.

No penalty incurred for not taking it.

C A P. X I X.

An Act to facilitate the admission of evidence of foreign Judgments, and certain official and other documents.

[24th July, 1850.]

**W**HEREAS it would greatly diminish the expense of legal proceedings, and prove highly beneficial to the advancement of justice, if certain foreign judgments, official and public documents, and documents, by-laws, rules, regulations and proceedings, and entries in Registers and other books of Corporations, were admitted in evidence without the particularity now required by law: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, any judgment, decree or other judicial proceeding, recovered, made, had or taken in any of the Superior Courts of Law, Equity or Bankruptcy in England, Ireland or Scotland, or in any Court of Record in Lower Canada, or in any Court of Record of the United States, or of any State of the United States of America, shall and may be proved in any suit, action or proceeding, either at Law or Equity in Upper Canada, in which proof of any such judgment, decree or judicial proceeding shall be necessary or required, by an exemplification of the same under the Seal of the said Courts respectively, without any proof of the authenticity of such Seal, or other proof whatever, in the same manner as any judgment, decree, or similar

Preamble.

Judgments, &c., of certain Courts out of U. C. may be proved by exemplification.