

IV. And be it enacted, That the said Oath of Allegiance ^{herein prescribed} ~~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.]

WHEREAS 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.

similar judicial proceeding of any of the Superior Courts of Common Law or Equity in Upper Canada is proved by an exemplification thereof in any judicial or other proceeding in the said last mentioned Courts respectively.

II. And be it enacted, That any Notarial copy of any Notarial Act or Instrument in writing made in Lower Canada, before a Notary or Notaries, and filed, enrolled or enregistered by such Notary or Notaries, shall be receivable in evidence in any judicial or other proceeding either at law or equity in Upper Canada, in the place and stead of the original, and shall have the same force and effect as the original would have if produced and proved in any such proceeding: Provided always, that such Notarial copy may be rebutted or set aside by proof that there is no such original, or that the Notarial copy is not a true copy of the original in some material particular, or that the original is not an instrument of such nature as may by the law of Lower Canada be taken before a Notary or Notaries, or be filed, enrolled or enregistered by a Notary or Notaries in Lower Canada.

III. And be it enacted, That any judgment, decree, or other judicial proceeding of any Court of Record in Upper Canada, shall and may be proved in any suit, action or proceeding, in any Court in Lower Canada, by the production of an exemplification of such judgment, decree or other judicial proceeding, under the Seal of any such Court of Record, without any proof of the authenticity of such Seal, or other proof whatever.

IV. And be it enacted, That a copy of any official or public document in this Province, purporting to be certified under the hand of the proper officer or person in whose custody such official or public document shall or may be placed, or a copy of any document, by-law, rule, regulation or proceeding, or a copy of any entry in any Register or other book of any Corporation, created or to be created by charter or statute in this Province, purporting to be certified under the Seal of such Corporation, and the hand of the Presiding Officer or Secretary thereof, shall be receivable in evidence of any particular, in any court of justice, or before any legal tribunal, or the Legislative Council or Assembly, or any Committee thereof respectively, or in any judicial proceeding, without any proof of the Seal of such Corporation, or of the signature or of the official character of the person or persons appearing to have signed the same, and without any further proof thereof in every case in which the original record could have been received in evidence.

V. And be it enacted, That all Courts, Judges, Justices, Masters in Chancery, Masters of Courts, Clerks of Courts, Prothonotaries, Commissioners judicially acting, and other judicial officers in this Province, shall henceforth take judicial notice of the signature of any of the Judges of the Superior, Circuit, or County Courts of Law or Equity in Upper or Lower Canada, provided such signature be appended or attached to any decree, order, certificate, affidavit or other judicial or official document.

VI. And be it enacted, That if any person shall forge the Seal or Signature to any such certified copy as is hereinbefore mentioned, or shall tender in evidence any such certified copy with false or counterfeit Seal or Signature thereto, knowing the same to be false or counterfeit, whether the Seal or Signature be that relating to any corporation or office already created or established, or to be hereafter created or established; or if any person shall forge the Signature of any such Judge as aforesaid to any decree, order, certificate, affidavit, or other judicial or official document, or shall tender in evidence any order, decree, certificate, affidavit, or other judicial or official document, with a false or counterfeit Signature of any such Judge as aforesaid thereto, knowing the same to be false or counterfeit, every such person shall be guilty of felony, and shall, upon conviction, be liable to imprisonment in the Provincial Penitentiary for any term not less than two nor more than five years: Provided also, that whenever any of the said documents hereinbefore mentioned shall be received in evidence by virtue of this Act, the Court, Judge, Commissioner or other person acting or officiating judicially, who shall have admitted the same, shall, on the request of any party against whom the same is so received, be authorized, at its or his own discretion, to direct that the same shall be impounded, and kept in the custody of the master or other officer of the Court or

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Instruments passed before Notaries in Lower Canada may be proved by Notarial copy.

Proviso: such proof liable to be rebutted.

Judgments, &c., of certain Courts in U. C. how proved in L. C.

Attested copies of Official Documents, By-laws, &c., receivable in evidence.

Judicial notice of the signature of the Judges and Officers of certain Courts.

Punishment of persons forging any such seal, signature, &c.

Proviso. Any such Document as aforesaid may be impounded by order of the Court, &c.

some other proper person, until further order touching the same shall be given, either by such Court or the Court to which such Master or other officer belonged, or by the person or persons who constituted such Court, or by some one of the Judges of the Superior, Circuit, or County Courts of Law or Equity, on application being made for that purpose.

CAP. XX.

An Act to afford relief to Bankrupts in certain cases. —

[10th August, 1850.]

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WHEREAS great hardship and injustice have been suffered by persons against whom Commissions of Bankruptcy have heretofore issued in this Province from the refusal of their Certificates; And whereas it is expedient that the power of granting such Certificates should be solely vested in the Commissioners of Bankrupts, who should have power to grant the same in all cases where no fraud exists: 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-write 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, it shall and may be lawful to and for any person against whom a Commission of Bankruptcy has heretofore issued in Upper Canada, and who has not yet received his Certificate, to apply by Petition to the Judge or Commissioner of Bankrupts who shall have issued the Commission against such person, or to the Judge of the County Court, or Commissioner of Bankrupts in the County or United Counties where the said person shall now or at the time of such application reside, for the allowance of his Certificate, and it shall in like manner be lawful to and for such person against whom a Commission of Bankruptcy has heretofore issued in Lower Canada, to apply for the allowance of his Certificate by Petition to the Judge of the Superior Court in the district where such person shall reside, in and to whom the powers and duties of a Commissioner of Bankrupts shall have been vested and assigned for the time being.

Preamble.

Uncertificated Bankrupts may apply to a Judge or Commissioner for a certificate.

II. And be it enacted, That it shall be lawful for such Judge or Commissioner to appoint a public sitting for the allowance of such Certificate to such person (whereof, and of the purport whereof, twenty-one days' notice shall be given in manner to be directed by such Judge or Commissioner, and a copy of such notice shall be served on one of the Assignees or their Solicitor,) and at such sitting, any of the Creditors of such Bankrupt may be heard against the allowance of the Certificate, and the Judge or Commissioner shall consider any objection against allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or refuse or suspend the allowance thereof, or annex such conditions thereto as the justice of the case may require: Provided always, that the written consent of the creditors or of any of them as required by the Acts or either of them relating to Bankrupts heretofore in force in this Province, and specially continued by this Act, shall not be necessary for the allowance of the said Certificate, nor shall the omission or neglect by a Bankrupt to keep or produce the proper Books of Account mentioned in either of the said Acts, prevent his being deemed to have made a full discovery of his estate and effects, nor shall the want or non-production of such Books of Account prevent the allowance or justify the disallowance or non-confirmation of such Certificate: Provided also, that no Certificate shall be a Discharge, unless such Judge or Commissioner shall, in writing under his hand and seal, certify to the proper Court of Review, that such Bankrupt has made a full discovery of his estate and effects, and in all things conformed as aforesaid, and that there does not appear any reason to doubt the truth or fullness of such discovery; nor unless the Bankrupt make oath, in writing, that such Certificate was obtained fairly and

Powers of Judge or Commissioner in such case.

Notice to the Assignees.

Proviso: written consent of creditors &c, not to be necessary: as to Books.

Proviso: Judge or Commissioner must certify certain facts.

And certificate must and