

oath, and that is a position in which we would rather have it than the one in which it now stands. That statute was passed when the Government of which my hon. friend opposite (Mr. Scott) is a member was in power. It is the Act for the suppression of voluntary and extra judicial oaths. It recites:—

“Whereas a practice has prevailed of administering and receiving oaths and affidavits voluntarily taken and made in matters not the subject of any judicial inquiry, or in any wise required or authorized by any law; and whereas doubts have arisen whether or not such proceeding is illegal; for the suppression of such practice and removing such doubts &c.”

What is the practice, in some respects is not illegal, but I do not wish to discuss that: the statute goes on to remove such doubts by enacting that no Justice of the Peace shall administer such an oath in an extra judicial proceeding, but if any person desires to make a statement with reference to any fact or dispute or attestation of any paper, he may do so.

HON. MR. MILLER.—That is a declaration, not an affirmation, is it?

HON. SIR ALEX. CAMPBELL.—A declaration. This part which I shall read now would include such a declaration as we require here:—

“And provided further that it shall be lawful for any judge, justice of the peace, public notary or other functionary authorized by law to administer an oath, to receive the solemn declaration of any person, voluntarily making the same before him in the form of the schedule to this act annexed, in attestation of the execution of any written deed or instrument or allegations of fact or of any account rendered in writing, and if any such declaration be false or untrue in any material particular, the person making such false declaration shall be deemed guilty of a misdemeanor.”

So that if we alter rule No. 73 and require merely a declaration, then the person making it would be subject to the legal penalties of a person making a false oath. Then, I think a further and additional safeguard might be taken by introducing language into a bill which I hope to present to the House before long, the Interpretation Act, which would give a double security.

HON. MR. MILLER.—I presume some-

thing of that kind would be necessary, because if my memory serves me right, the act of 1874, which the hon. gentleman has just cited, imposes a penalty where the matter is regulated by law, not by a rule of this House, and by introducing such language as the hon. gentleman suggests in the Interpretation Act, that difficulty would be overcome.

HON. SIR ALEX. CAMPBELL.—The Act says:—

“Whereas a practice has prevailed of administering and receiving oaths and affidavits voluntarily taken and made in matters not the subject of a judicial inquiry. &c.”

Then it goes on to say any person may make a declaration concerning any allegation of fact. I, for instance, desire to make an allegation that my hon. friend Mr. Smith does not owe me one hundred pounds: I can go before an officer under this Act and make a declaration of that fact, and if I declare falsely, the legal penalties of perjury follow. In that way we can meet the difficulty, and if any doubt exists in the direction pointed out by the hon. member for Richmond, we can remove it by a clause in the Interpretation Act.

HON. MR. MILLER.—The criminal law also imposes a penalty for a false declaration.

HON. SIR ALEX. CAMPBELL.—I will give notice of an amendment to the rule hereafter, and we can alter it accordingly. In the meantime the legal gentlemen in the House can consider the rules and the changes which I venture to suggest.

HON. MR. SKEAD.—This is a subject of which I know very little. The hon. Leader of the House is speaking of making some alterations in the form of affidavits which may be necessary here, although we have managed to live in this country with them as they are for a long time; but I would suggest that it would be better for the Government to bring in a bill to remove such cases from this House altogether, by establishing a Divorce Court. If that should be considered too expensive, then it might be attached to the Supreme Court; it strikes me, as an on-looker, that there are times