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No. 82.

2nd Session, 7th Parliament, 28 Victoria, 1863.

BILL.

**An Act respecting Affirmations and Declara-
tions.**

Received and read, 1st time, Monday, 2nd
March, 1863.

Second reading, Wednesday, 4th March,
1863.

MR. JACKSON.

QUEBEC:

**PRINTED FOR THE CONTRACTORS BY HUNTER,
ROSB & LEMIEUX, ST. URSULE STREET.**

An Act respecting Affirmations and Declarations.

For the substitution of affirmations in lieu of oaths in certain cases, Preamble.
Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. If any person called as a witness, or required to take any oath, or Affirmation
5 requiring or desiring to make any affidavit or deposition in any Court of may be made
Criminal or Civil jurisdiction, or in any Criminal or Civil proceeding, in- stead of oath
shall refuse or be unwilling, from alleged conscientious motives, to be by any person
sworn, it shall be lawful for the Court or Judge or other presiding offi- having con-
cer or person, or for a Commissioner for taking affidavits in any Court, scientious
or Notary Public, or Justice of the Peace, or other person authorized to scruples to
10 hear the testimony of witnesses or to take affidavits or depositions, as the take an oath.
case may be, upon being satisfied of the sincerity of such objection, to
permit such person, in stead of being sworn, to make his or her solemn
affirmation in the words following, viz :—

I, A. B., do solemnly affirm that the taking of any oath is, accord- Form.
15 ing to my religious belief, unlawful ; and I do also solemnly affirm

(Here state the facts affirmed.)

Which solemn affirmation shall be of the same force and effect as if Perjury.
such person had taken an oath in the usual form : and if any person
making such affirmation shall be convicted of having wilfully, falsely and
20 corruptly affirmed 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 perjury are subject.

2. It shall be sufficient, in open Court, for the Court or Judge or Form in cases
52 presiding officer or Clerk of such Court, to address the person or per- of affidavit.
sons affirming in the third person, in the terms set forth in the first
section of this Act, with such changes and additions as may be necessary
to adapt it to the forms at present in use, and to conclude with the inter-
rogatory "Are you content," to which each person affirming shall
30 audibly respond "I am."

3. All forms at present in use in legal proceedings in Court or Forms in use
otherwise shall be adapted to the requirements of this Act, and in all to be adopted
cases, of written affirmations they shall conclude according to the con- to Act.
clusion of the form in the Schedule to this Act annexed, marked "A."

4. And whereas, it may be necessary and proper in many Certain cases
65 cases relating to the confirmation of written instruments or allega- in which affir-
tions or for the verification of facts or proof of debts, or of the mations may
execution of deeds, or signing of letters or other writings, papers be required.
or documents, or relating to the proof of the loss, or the destruction
40 of deeds, letters, papers or documents of any kind, or relating to
the birth, marriage or death of any person, or relating to the settle-
ment and determination of disputes and differences between persons out
of Court, or relating to the possession or occupation of lands, or the

payment of taxes, liens or charges thereon, or relating to the payment of legacies, or relating to the residence, occupation or identity of any person or persons, or relating to any other facts, matters or things of the same or a different kind as herein recited, not specifically provided for by any Statute or law now in force in this Province,—therefore it shall and may be lawful for any Judge of any Court, Commissioner of any Court, Justice of the Peace, Notary Public, or other officer or person now by law authorized to administer an oath, to take and receive the declarations of any person, voluntarily making the same before him in the form “A” in the Schedule to this Act annexed; and if any declaration so made shall be false or untrue in any material particular, the person wilfully and corruptly making such false declaration shall be deemed guilty of perjury.

Declarations in form A may be made in such cases.

Perjury.

Notice to be given to persons making declarations.

Fees.

Declarations may be used for certain purposes.

As to affidavits made before Mayors, Consuls, etc., out of Canada

5. It shall be the duty of the officer or person receiving or taking any declaration provided by this Act, to inform the person making the same, that if the declaration about to be made should be false or untrue in any material particular, he or she will be liable to be prosecuted as for perjury; and such officer or person shall certify the same as in the form “B” in the Schedule to this Act annexed; and in the case of illiterate persons he shall also certify that the same was read over to the person making the same, and that he seemed perfectly to understand the same

6. Every officer or person receiving a declaration pursuant to this Act shall be entitled to receive the sum of *twenty cents*.

7. It shall be lawful for any Court or Judge, or any officer or person presiding in any Court or Tribunal, or for any Arbitrator or person determining disputes or differences between parties in any action or suit, or in any matter which may, by consent of parties, be referred to such Arbitrator or person, in the absence of evidence, affidavits or affirmations which may now by law be received, in his or their discretion to receive and read any such declaration made pursuant to this Act in proof of the matters and things therein contained.

8. It shall be lawful for any Court or Judge of any Court, or for any officer or person presiding in any Court or Tribunal, or for any Arbitrator or person determining disputes or differences between parties in any action or suit, or in any matter which may, by consent of parties be referred to such Arbitrator or person, in the absence of evidence, affidavits or affirmations which may now, by law, be received, in his or their discretion to receive and read in proof of the matters and things therein contained, in any proceedings, suits or actions, any affidavits made or sworn in Great Britain and Ireland, or in any Colony or dependency of Her Majesty, or in any Foreign Country, before a Mayor of any City or Town Corporate or British Consul, and under the hand of such Mayor or Consul and the Seal of such City or Town Corporate, or the seal of such Consul as the case may be, without any proof of the Signature or Seal attached thereto, or of the capacity in which such Mayor or Consul acted.

Schedule referred to in the foregoing Act.

FORM A.

I, A. B., do solemnly declare that (*here state the facts*) and I make this solemn declaration believing the same to be true, and by virtue of the provisions of “An Act respecting affirmations and declarations, 1863.”

FORM B.

_____ Declared this _____ day
 of _____ A.D. 186 , before me, at _____
 _____; and I certify that I informed the said _____ that if the
 foregoing declaration should be false and untrue in any material par-
 ticular, he would be liable to be prosecuted as for perjury.