

No. ~~1850~~

3d Session, 3d Parliament, 13 & 14 Vict., 1850.

Official Oaths Bill.

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.

Received and Read a first time, Tuesday, 2nd July, 1850.

Second Reading, Wednesday, 10th July, 1850.

HON. MR. BALDWIN.

Official Oaths Bill.

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.

WHEREAS the Oaths required to be taken as a Preamble,
 qualification for Office or for other temporal purposes, are, in Upper Canada, prescribed by an Act of the late Parliament, passed in the third year of the reign of
 5 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
 10 "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 same Act and re-enact the provisions thereof, making them applicable to
 15 the whole Province: Be it therefore enacted, &c.

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

That the said recited Act shall be and the same is hereby The said Act repealed.
 repealed.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
 20 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,
 25 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 :

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

"I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen
 30 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
 35 conspiracies and attempts whatever which shall be made against Her Person, Crown or Dignity, and that I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs or Successors, all treasons and traitor-

The Oath of Allegiance.

ous 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 whatever to the contrary; So help me God." 5

And an oath for the faithful performance of his duties.

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. 10

Form appointed when the Sovereign shall be a King.

III. And be it enacted, That the oath of Allegiance herein prescribed and set forth shall, when the Throne of the United Kingdom of Great Britain and Ireland shall be filled by a King be taken in the following words, that is to say: 15

The oath.

"I, A. B. do sincerely promise and swear that I will be faithful and bear true Allegiance to His Majesty King *(the King who shall be then reigning)* as lawful Sovereign of the United Kingdom of Great Britain and Ireland and of this Province dependant on, 20 and belonging to the said Kingdom. And that I will defend him to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against his Person, Crown and Dignity, and that I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs and Successors all treasons and traitorous conspiracies and attempts which I shall know to be against him 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 30 any person or power whatever to the contrary; So help me God."

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

IV. And be it enacted, That the form hereinbefore set forth and no other, shall be taken of the Oath of Allegiance to be administered to and taken by all persons in this 35 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 40 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 45 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.

Who may administer it.

V. And be it enacted, That the said oath of Allegiance, 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 5 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.

The said oath to be taken within the same time, &c. as now by law provided.

VI. And be it enacted, That all such persons as are 10 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 15 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 20 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 25 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 may be made instead of an oath, in certain cases.

Its effect.

By whom it may be administered.

VII. And be it enacted, That it shall not be necessary 30 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 35 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 40 or disability whatsoever, for or by reason of his not having taken or received the said Sacrament.

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

Nor shall the not taking it subject any person to any penalty.