CAP. VIII.

An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits.

[12th *June* 1835.]

'WHEREAS by an Act passed in the Session holden in the 'First and Second Years of the Reign of His present 'Majesty, intituled *An Act to abolish certain Oaths and Affirma-* 1 & 2 W. 4. c. 4.
'*tions taken and made in the Customs and Excise Departments of His* '*Majesty's Revenue, and to substitute Declarations in lieu thereof,* 'and by other Enactments subsequent thereto, the Number of 'Oaths and Affirmations required to be taken and made in those 'Departments has been greatly diminished, and the beneficial 'Operation of the said recited Act and such other subsequent 'Enactments gives Ground to believe that the Number of Oaths 'and Affirmations may with Advantage be yet further reduced in 'those and in other Departments of the State:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Case where, by any Act or Acts made or to be made relating to the Revenues of Customs or Excise, the Post Office, the Office of Stamps and Taxes, the Office of Woods and Forests, Land Revenues, Works and Buildings, the Army Pay Office, the Office of the Treasurer of the Navy or of the Treasurer of the Ordnance, His Majesty's Treasury, *Chelsea* Hospital, *Greenwich* Hospital, the Board of Trade, or any of the Offices of His Majesty's Principal Secretaries of State, the Office for auditing the Public Accounts, or any Office under the Control, Direction, or Superintendence of the Lords Commissioners of His Majesty's Treasury, any Oath, solemn Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made by any Person on the doing of any Act, Matter, or Thing, or for the Purpose of verifying any Book, Entry, or Return, or for any other Purpose whatsoever, it shall be lawful for the Lords Commissioners of His Majesty's Treasury or any Three of them, if they shall so think fit, by Writing under their Hands and Seals, to substitute a Declaration to the same Effect as the Oath, solemn Affirmation, or Affidavit which might but for the passing of this Act be required to be taken or made; and the Person who might under the Act or Acts imposing the same be required to take or make such Oath, solemn Affirmation, or Affidavit shall, in Presence of the Commissioners, Collector, other Officer or Person empowered by such Act or Acts to administer such Oath, solemn Affirmation, or Affidavit, make and subscribe such Declaration, and every such Commissioner, Collector, other Officer or Person is hereby empowered and required to administer the same accordingly.

Lords of the Treasury empowered to substitute a Declaration in lieu of an Oath, &c. in certain Cases.

II. And be it enacted, That when the said Lords Commissioners of His Majesty's Treasury or any Three of them shall, in any such Case as herein-before mentioned, have substituted, in Writing under

Substitution of Declaration to be published in the Gazette

under their Hands and Seals, a Declaration in lieu of an Oath, solemn Affirmation, or Affidavit, such Lords Commissioners shall, so soon as conveniently may be, cause a Copy of the Instrument substituting such Declaration to be inserted and published in the *London Gazette;* and from and after the Expiration of Twenty-one Days next following the Day of the Date of the Gazette wherein the Copy of such Instrument shall have been published, the Provisions of this Act shall extend and apply to each and every Case specified in such Instrument, as well and in the same Manner as if the same were specified and named in this Act.

and after 21 Days from the Date thereof the Provisions of this Act to apply.

III. And be it enacted, That after the Expiration of the said Twenty-one Days it shall not be lawful for any Commissioner, Collector, Officer, or other Person to administer or cause to be administered, or receive or cause to be received, any Oath, solemn Affirmation, or Affidavit, in the lieu of which such Declaration as aforesaid shall have been directed by the Lords Commissioners of His Majesty's Treasury to be substituted.

After said 21 Days no Oath to be administered in lieu of which a Declaration has been directed.

IV. And be it enacted, That if any Person shall make and subscribe any such Declaration as herein-before mentioned in lieu of any Oath, solemn Affirmation, or Affidavit by any Act or Acts relating to the Revenues of Customs or Excise, Stamps and Taxes, or Post Office, required to be made on the doing of any Act, Matter, or Thing, or for verifying any Book, Account, Entry, or Return, or for any Purpose whatsoever, and such Declaration shall be untrue in any Particular, the Person making the same shall, over and above every other Penalty to which such Person might under such Act or Acts or otherwise become subject, forfeit and pay One hundred Pounds, which shall be sued for, recovered, and applied in the same Manner and under the same Provisions as any Penalty imposed by any Act or Acts relating to the Revenues of Customs, Excise, Stamps and Taxes, or Post Office, respectively, may by Law be sued for, recovered, and applied.

In Cases of false Declarations in Matters relating to the Customs, Excise, Stamps and Taxes, or Post Office, an additional Penalty of 100*l.* to be inflicted.

V. Provided always, and be it enacted, That nothing in this Act contained shall extend or apply to the Oath of Allegiance in any Case in which the same now is or may be required to be taken by any Person who may be appointed to any Office, but that such Oath of Allegiance shall continue to be required, and shall be administered and taken, as well and in the same Manner as if this Act had not been passed.

Oath of Allegiance still to be required in all Cases.

VI. Provided also, and be it enacted, That nothing in this Act contained shall extend or apply to any Oath, solemn Affirmation, or Affidavit which now is or hereafter may be made or taken, or be required to be made or taken, in any Judicial Proceeding in any Court of Justice, or in any Proceeding for or by way of summary Conviction before any Justice or Justices of the Peace, but all such Oaths, Affirmations, and Affidavits shall continue to be required, and to be administered, taken, and made, as well and in the same Manner as if this Act had not been passed.

Oaths in Courts of Justice, &c. still to be taken.

VII. And be it enacted, That it shall be lawful for the Universities of *Oxford* and *Cambridge*, and for all other Bodies Corporate and Politic, and for all Bodies now by Law or Statute, or by any valid Usage, authorized to administer or receive any Oath, solemn Affirmation, or Affidavit, to make Statutes, Bye Laws, or Orders authorizing and directing the Substitution of a Declaration in lieu of any

Universities of Oxford and Cambridge, and other Bodies, may substitute a Declaration in lieu of an Oath.

Oath, solemn Affirmation, or Affidavit now required to be taken or made: Provided always, that such Statutes, Bye Laws, or Orders be otherwise duly made and passed according to the Charter, Laws, or Regulations of the particular University, other Body Corporate and Politic, or other Body so authorized as aforesaid.

Churchwarden's and Sidesman's Oath abolished, and a Declaration to be made in lieu thereof.

VIII. 'And whereas Persons serving the Offices of Churchwarden and Sidesman are at present required to take an Oath of Office before entering upon the Execution thereof, and it is expedient that a Declaration shall be substituted for such Oath of Office;' be it enacted, That in future every Person entering upon the Office of Churchwarden or Sidesman before beginning to discharge the Duties thereof shall, in lieu of such Oath of Office, make and subscribe, in the Presence of the Ordinary or other Person before whom he would, but for the passing of this Act, be required to take such Oath, a Declaration that he will faithfully and diligently perform the Duties of his Office, and such Ordinary or other Person is hereby empowered and required to administer the same accordingly.

Declaration substituted for Oath by Persons acting in Turnpike Trusts.

IX. And be it enacted, That in any Case where, under any Act or Acts for making, maintaining, or regulating any Highway, or any Road, or any Turnpike Road, or touching any Trust relating thereto, any Oath, solemn Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made by any Person whomsoever, no such Oath, solemn Affirmation, or Affidavit shall in future be required to be or be taken or made, but the Person who might under the Act or Acts imposing the same be required to take or make such Oath, solemn Affirmation, or Affidavit shall, in lieu thereof, in the Presence of the Trustee, Commissioner, or other Person before whom he might under such Act or Acts be required to take or make the same, make and subscribe a Declaration to the same Effect as such Oath, solemn Affirmation, or Affidavit, and such Trustee, Commissioner, or other Person is hereby empowered and required to administer and receive the same.

Declaration substituted for Affidavit heretofore required on taking out a Patent.

X. And be it enacted, That whenever any Person or Persons shall seek to obtain any Patent under the Great Seal for any Discovery or Invention, such Person or Persons shall, in lieu of any Oath, Affirmation, or Affidavit which heretofore has or might be required to be taken or made upon or before obtaining any such Patent, make and subscribe, in the Presence of the Person before whom he might, but for the passing of this Act, be required to take or make such Oath, Affirmation, or Affidavit, a Declaration to the same Effect as such Oath, Affirmation, or Affidavit; and such Declaration, when duly made and subscribed, shall be to all Intents and Purposes as valid and effectual as the Oath, Affirmation, or Affidavit in lieu whereof it shall have been so made and subscribed.

Declaration substituted for Oaths and Affidavits required by Acts as to Pawnbrokers.

XI. And be it enacted, That where by any Act or Acts at the Time in force for regulating the Business of Pawnbrokers any Oath, Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made, the Person who by or under such Act or Acts might be required to take or make such Oath, Affirmation, or Affidavit shall in lieu thereof make and subscribe a Declaration to the same Effect; and such Declaration shall be made and subscribed at the same Time, and on the same Occasion, and in the Presence of the same Person or Persons, as the Oath, Affirmation,

or Affidavit in lieu whereof it shall be made and subscribed would by the Act or Acts directing or requiring the same be directed or required to be taken or made; and all and every the Enactments, Provisions, and Penalties contained in or imposed by any such Act or Acts as to any Oath, Affirmation, or Affidavit thereby directed or required to be taken or made shall extend and apply to any Declaration in lieu thereof, as well and in the same Manner as if the same were herein expressly enacted with reference thereto.

Penalties as to such Oaths, &c. to apply to Declarations.

Justices not to administer Oaths, &c. touching Matters whereof they have no Jurisdiction by Statute.

XII. 'And whereas a Practice wholly contrary to the Policy of 'the Law has been permitted to prevail, of administering and 'receiving Oaths and Affidavits voluntarily taken and made in 'Matters not the Subject of any Judicial Inquiry, nor in anywise 'pending or at Issue before the Justice of the Peace or other Person 'by whom such Oaths or Affidavits have been administered or 'received: And whereas Doubts have arisen whether or not such 'Proceeding is illegal;' for the more effectual Suppression of such Practice and removing such Doubts, be it enacted, That from and after the First Day of *June* next ensuing it shall not be lawful for any Justice of the Peace or other Person to administer or cause or allow to be administered, or to receive or cause or allow to be received, any Oath, Affidavit, or solemn Affirmation touching any Matter or Thing whereof such Justice or other Person hath not Jurisdiction or Cognizance by some Statute in force at the Time being: Provided always, that nothing herein contained shall be construed to extend to any Oath, Affidavit, or solemn Affirmation before any Justice in any Matter or Thing touching the Preservation of the Peace, or the Prosecution, Trial, or Punishment of Offences.

Proviso.

Fees on Oaths payable on Declarations substituted in lieu thereof.

XIII. And be it enacted, That whenever any Declaration shall be made and subscribed by any Person or Persons under or in pursuance of the Provisions of this Act, or any of them, in lieu of any Oath, solemn Affirmation, or Affidavit, all and every such Fees or Fee as would have been due and payable on the taking or making such Oath, solemn Affirmation, or Affidavit shall be in like Manner due and payable upon making and subscribing such Declaration in lieu thereof.

False Declarations punishable as Perjury.

XIV. And be it enacted, That in any Case where a Declaration in lieu of an Oath shall have been substituted by this Act, or by virtue of any Power or Authority hereby given, any Person who shall wilfully and corruptly make and subscribe any such Declaration, knowing the same to be untrue in any Particular, shall in all Cases in which the Punishment of Perjury would now attach be guilty of a Misdemeanor, and on being duly convicted thereof shall incur the Pains and Penalties to which Persons are or may be liable for wilful and corrupt Perjury; and it shall be sufficient in any Indictment for such Offence to allege generally that the Declaration therein charged to have been falsely made was a Declaration duly substituted in lieu of an Oath, and it shall not be necessary to state by what Authority or in what Manner the same shall have been so substituted

Allegation in Indictment for Perjury.

Act to take effect after 15th June 1835.

XV. And be it enacted, That this Act shall commence and take effect from and after the Fifteenth Day of *June* in this present Year, the Year of our Lord One thousand eight hundred and thirty-five.

Act may be amended this Session.

XVI. And be it further enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.