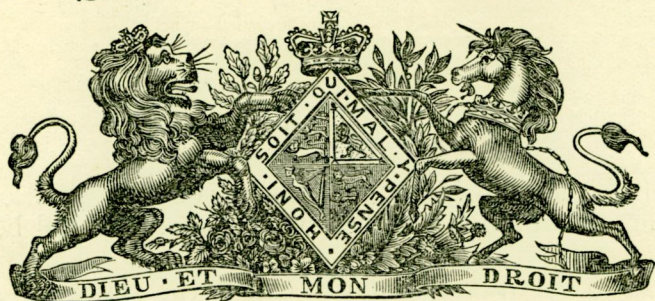


New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

Act No. 20, 1900.

An Act to consolidate the enactments relating to oaths, affirmations, statutory declarations and affidavits. [Assented to, 22nd September, 1900.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

Preliminary.

1. This Act shall commence and take effect on the first day of January, one thousand nine hundred and one, and may be cited as the "Oaths Act, 1900," and is divided into parts as follows:—

PART I.—*Preliminary*—ss. 1-2.

PART II.—*Oaths*—ss. 3-11.

PART III.—*Affirmations*—ss. 12-14.

PART

Oaths.

PART IV.—*Statutory declarations*—ss. 15–25.PART V.—*Affidavits*—ss. 26–29.Repeal.
Schedule I.

Rules and notifications under repealed Acts.

2. (1) The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed.

(2) All rules made and notifications published under the authority of any Act hereby repealed shall be deemed to have been made and published under the authority of this Act.

PART II.
Oaths.

Oath of allegiance substituted for certain oath and declaration.

Second Schedule.
20 Vic. No. 9, s. 1.
33 Vic. No. 14, s. 9.

3. (1) Where but for the passing of this Act or the Act twentieth Victoria number nine hereby repealed it would be necessary for any person—

(a) to take the oaths commonly called the Oaths of Allegiance, Supremacy, and Abjuration, or any of them; or

(b) to take the oath prescribed by the Act commonly called the Roman Catholic Relief Act; or

(c) to make the declaration prescribed by the Imperial Act ninth George the Fourth, chapter seventeen,

it shall be sufficient for such person to take in lieu of the said several oaths and declaration the oath of allegiance in the form in the Second Schedule hereto.

Before whom the oath may be taken.
20 Vic. No. 9, s. 2.(2) Where by any law in force at the time of the passing of the said Act twentieth Victoria number nine the said several oaths or any of them might be taken before the Supreme Court or before a Judge, or were required to be taken in open Court, the oath prescribed by this Act may be taken and subscribed at any hour before the said Court or any Judge thereof, or before any Circuit Court or Court of Quarter Sessions, or any justice of the peace authorised by writ of *Dedimus potestatem* for that purpose.Oath of allegiance.
Second Schedule.
33 Vic. No. 14, s. 9.

4. (1) The oath of allegiance in the form in the Second Schedule hereto shall be substituted for the oaths prescribed by the thirty-third section of the Constitution Act.

(2) The said form in the said Second Schedule shall be the form of oath of allegiance taken by all other persons liable to take the said oath.

Interpretation.
Second to Fifth Schedules.*Ibid.* s. 2.*Ibid.* s. 3.*Ibid.* s. 4.

5. In this part of this Act—

“Oath of allegiance,” when hereinafter used, means an oath in the form in the Second Schedule hereto.

“Official oath” means an oath in the form in the Third Schedule hereto.

“Judicial oath” means an oath in the form in the Fourth Schedule hereto.

“Executive

Oaths.

“Executive Councillor’s oath” means an oath in the form in the Fifth Schedule hereto. 33 Vic. No. 14, s. 5.

6. The name of the Sovereign of the United Kingdom of Great Britain and Ireland shall be substituted in the said forms from time to time instead of the name of Her Majesty. Name of Sovereign. *Ibid.* s. 10. 20 Vic. No. 9, s. 4.

7. (1) The oath of allegiance and the official oath shall be tendered to and taken by all public officers required by order of the Governor to take the same. Public officers. 33 Vic. No. 14, s. 6.

(2) Such oaths shall be tendered to and taken by every such officer in manner in that behalf provided by the said order as soon as may be after the acceptance of office by him.

8. (1) The oath of allegiance and the judicial oath shall be tendered to and taken by Judges of the Supreme Court and justices of the peace. Judges and justices of the peace. *Ibid.* s. 7.

(2) Such oaths shall be tendered and taken in manner in which the oaths required to be taken by such persons before the passing of the Act thirty-third Victoria number fourteen would have been tendered and taken.

9. (1) The oath of allegiance and the judicial oath shall be tendered to and taken by District Court Judges and other judicial officers who are required by order of the Governor to take the same. District Court judges and other judicial officers. *Ibid.*

(2) Such oaths shall be tendered and taken in manner in that behalf provided by the said order.

10. (1) The oath of allegiance, the official oath, and the Executive Councillor’s oath shall be tendered to and taken by every member of the Executive Council before he enters upon the discharge of the duties of his office. Executive councillors. *Ibid.* s. 5.

(2) Such oaths shall be tendered and taken in manner in which the oaths required to be taken by such member before the passing of the Act thirty-third Victoria number fourteen on entering on his office would have been tendered and taken.

11. (1) If any such officer as aforesaid liable to take any such oath declines or neglects when the same is duly tendered to take such oath, he shall, if he has already entered on his office, vacate the same, and if he has not entered on the same be disqualified from so doing. Penalty on not taking required oath. *Ibid.* s. 8.

(2) But no person shall be compelled in respect of the same appointment to the same office to take such oath more than once.

PART III.
Affirmations.

12. When an oath is required to be taken under Part II of this Act, any person by law entitled to make a solemn affirmation or declaration instead of taking an oath may instead of taking such oath

make

Oaths.

make a solemn affirmation in the form of such oath appointed by this Act, substituting the words "solemnly, sincerely, and truly declare and affirm" for the word "swear," and omitting the words "so help me God."

Declaration or affirmation in lieu of oath.

Sixth and Seventh Schedules.

20 Vic. No. 31, s. 10.

22 Vic. No. 7, s. 1.

22 Vic. No. 18, s. 48.

40 Vic. No. 8, s. 3.

46 Vic. No. 17, s. 343.

- 13.** (1) Whenever any person—
- (a) called as a witness in any Court or before any justice or other person authorised to administer an oath, whether in a civil or criminal proceeding, or
 - (b) having to make a statement in any information, complaint, or proceeding in any Court or before any justice, or
 - (c) required or desired to make an affidavit or deposition, objects to take an oath, or is reasonably objected to as incompetent to take an oath, or appears to such Court or justice or person so authorised incompetent to take an oath, he may in lieu of such oath—
 - (i) when so called as a witness make a declaration in the form in the Sixth Schedule hereto, or
 - (ii) in any other case make a solemn affirmation in the form in the Seventh Schedule hereto.

Penalty for wilfully false statements.

(2) Whosoever, having made such declaration or affirmation, wilfully gives any false evidence before such Court, justice, or person so authorised, or makes any false statement in such information, complaint, proceeding, affidavit, or deposition, knowing the same to be false, shall be deemed guilty of perjury if the evidence or statement, had it been on oath, would by law have been perjury.

Affirmations by jurors in certain cases.

20 Vic. No. 31, s. 10.

46 Vic. No. 17, s. 339.

14. (1) Whenever any juror objects to be sworn, the Court or Judge may permit him, instead of taking an oath, to make a solemn declaration, which shall be in the form of oath now in use, but substituting the words "So you solemnly declare and promise" for the words "So help you God."

(2) It shall not be necessary to allege, in any record or proceeding, that a particular juror made any such declaration, but it shall be sufficient in all cases to state that the jurors solemnly declared or were sworn.

PART IV.
Statutory declarations.

Declarations substituted for oaths.
9 Vic. No. 9, s. 1.

15. In any case where by any Act relating to any of the public revenue or any public office or public department, or by any official regulation in any department, any oath or affidavit might, but for this Act, be required to be taken or made by any person—

- (a) on the doing of any act, matter, or thing, or
- (b) for the purpose of verifying any book, account, entry, or return, or
- (c)

Oaths.

(c) for any other purpose whatsoever, the Governor may, by notification in the Gazette, substitute a declaration to the same effect as such oath or affidavit.

16. From and after the expiration of twenty-one days next following the date of the Gazette wherein such notification is first published the provisions of this Part of this Act shall extend and apply to every case, office, or department specified in such notification.

To be notified in Gazette.

9 Vic. No. 9, s. 2.

17. After the expiration of the said twenty-one days it shall not be lawful for any officer or other person to administer or cause to be administered any oath or to take or cause to be taken any affidavit in lieu of which such declaration has been substituted.

Oaths not to be taken thereafter.

Ibid. s. 3.

18. Every person who but for this Act might be required to take such oath or make such affidavit shall, in the presence of the officer or person empowered by the Act or regulation imposing the same to administer such oath or take such affidavit, make and subscribe such declaration; and such officer or person is hereby empowered and required to administer such declaration accordingly.

Declaration, how administered.

Ibid. s. 1.

19. Nothing in this part of this Act shall extend or apply to—

(a) the oath of allegiance in any case in which the same is required to be taken by any person appointed to any office; or

(b) any oath or affidavit taken or made or required to be taken or made in any judicial proceeding in any court of justice.

This Part not to extend to certain oaths.

Ibid. ss. 5, 6.

20. (1) It shall not be lawful for any justice of the peace or other person to administer or cause or allow to be received any oath or affidavit touching any matter or thing whereof such justice or other person has not jurisdiction or cognisance by some Act or Imperial Act in force at the time being.

Abolition of extra judicial oaths.

Ibid. s. 7.

(2) Provided that nothing in this section contained shall be construed to extend to—

- (a) any oath or affidavit before any justice of the peace in any matter or thing touching the preservation of the peace, or the prosecution, trial, or punishment of offences; or
- (b) any inquiry held before any justice of the peace in the nature of coroners' inquests respecting sudden deaths; or
- (c) any proceeding before either House of Parliament or a committee thereof; or
- (d) any oath or affidavit required by the laws of any foreign or other country out of New South Wales to give validity to instruments in writing designed to be used in foreign or other countries respectively; or
- (e) any declaration under this Part of this Act.

21. Any justice of the peace, notary public, or other officer by law authorised to administer an oath may take and receive the declaration of any person voluntarily making the same before him in the form or to the effect of the form in either the Eighth or the Ninth Schedule to this Act.

Declaration in cases not specifically provided for.

Eighth and Ninth Schedules.

Ibid. s. 9.

22. 46 Vic. No. 17, s. 295.

Oaths.

Wills, deeds, &c.,
may be verified by
declaration.

9 Vic. No. 9, s. 8.

22. Any attesting witness to the execution of any will or codicil, deed, or instrument in writing, and any other competent person, may verify and prove the signing, sealing, publication, or delivery of any such will, codicil, deed, or instrument in writing by such declaration in writing made as aforesaid before such justice, notary, or officer.

Fees.

Ibid. s. 10.

23. Whenever any declaration is made and subscribed by any person under or in pursuance of any of the provisions of this Part of this Act, every such fee as would have been due and payable on the taking or making of any oath or affidavit, shall be in like manner due and payable upon making and subscribing such declaration.

Form of declaration.

Eighth and Ninth
Schedules.

Ibid. s. 11.

46 Vic. No. 17, s. 295.

24. In all cases where by this Part of this Act, or under the authority thereof, or by virtue of any power or authority hereby given, a declaration—

(a) is substituted in lieu of an oath or affidavit; or

(b) is directed or authorised to be made and subscribed, although not substituted in lieu of an oath or affidavit,

such declaration, unless otherwise directed by the powers hereby given, shall be in the form, or to the effect of the form, in either the Eighth or the Ninth Schedule to this Act.

False declaration.

9 Vic. No. 9, ss. 4, 9,
12.

25. In all cases where by this Part of this Act, or under the authority thereof, or by virtue of any power or authority hereby given, a declaration—

(a) is substituted in lieu of an oath or affidavit; or

(b) is directed or authorised to be made and subscribed, although not substituted in lieu of an oath or affidavit,

any person who wilfully and corruptly makes and subscribes any such declaration, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanour.

 PART V.

Affidavits.

Justices empowered
to take affidavits.

37 Vic. No. 10, s. 1.

Appointment of
commissioners for
affidavits.

Ibid.

26. Every justice of the peace shall have power to take and receive affidavits in all matters pending in any Court.

27. (1) The Chief Justice of the Supreme Court may by commission, under the seal of the said Court, authorise as many persons as he may think necessary to take and receive affidavits concerning any matter within the jurisdiction of any Court.

(2) Every such commission heretofore issued by any Chief Justice and now in force shall be deemed to have been issued under this Act.

Fees.

Ibid. s. 2.

28. Every person authorised to act under any such commission shall receive such fees as may be prescribed by rule of the Supreme Court.

Oaths.

29. Every person wilfully swearing falsely in any affidavit made before any such justice of the peace or other person so authorised to take affidavits, shall be deemed guilty of perjury and shall incur and be liable to the same pains and penalties as if he had wilfully sworn falsely in open Court in a judicial proceeding in the Supreme Court.

Penalty for swearing falsely in affidavits.
37 Vic. No. 10, s. 1.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Reference to Act.	Title or short title.	Extent of repeal.
9 Vic. No. 9 ...	An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.	The whole.
20 Vic. No. 9 ...	An Act to simplify the oaths of qualification for office.	The whole.
20 Vic. No. 31 ...	The Common Law Procedure Act of 1857...	Section 10.
22 Vic. No. 7 ...	An Act for the further amendment of the law of evidence.	The unrepealed portion.
22 Vic. No. 18 ...	District Courts Act of 1858... ..	So much of section 48 as relates to section 10 of the Common Law Procedure Act of 1857.
33 Vic. No. 14 ...	Promissory Oaths Act	The whole.
36 Vic. No. 31 ...	Promissory Oaths Declaratory Act of 1873	The whole.
37 Vic. No. 10 ...	Commissioners for Affidavits Act of 1874 ...	The whole.
40 Vic. No. 8 ...	Evidence Further Amendment Act, 1876 ...	The unrepealed portion.
46 Vic. No. 17 ...	Criminal Law Amendment Act of 1883 ...	Section 295, from and including the words "And every solemn declaration" to the end of the section; sections 339 and 343, and the Seventh Schedule.

SECOND SCHEDULE.

Sections 3, 4, 5.

33 Vic. No. 14, s. 2.

Oath of allegiance.

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her Heirs and Successors according to law.

So help me God.

THIRD

Oaths.

THIRD SCHEDULE.

Official oath.

Section 5.
37 Vic. No. 10, s. 3. I, _____, do swear that I will well and truly serve Her Majesty Queen Victoria in the office of _____
So help me God.

FOURTH SCHEDULE.

Judicial oath.

Section 5.
Ibid. s. 4. I, _____, do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of _____, and I will do right to all manner of people after the laws and usages of this Colony without fear or favour, affection or ill-will.
So help me God.

FIFTH SCHEDULE.

Executive Councillor's oath.

Section 5.
Ibid. s. 5. I, _____, being chosen and admitted of Her Majesty's Executive Council in New South Wales, do swear that I will to the best of my judgment at all times when thereto required freely give my counsel and advice to the Governor or Officer Administering the Government of New South Wales for the time being for the good management of the public affairs of New South Wales, that I will not directly or indirectly reveal such matters as shall be debated in council and committed to my secrecy, but that I will in all things be a true and faithful councillor.
So help me God.

SIXTH SCHEDULE.

Declaration.

Section 13.
46 Vic. No. 17, s. 343. I solemnly declare that the evidence now about to be given (*or* the statement now about to be made) by me shall be the truth, the whole truth, and nothing but the truth.

SEVENTH SCHEDULE.

Affirmation.

Section 13.
20 Vic. No. 31, s. 10. I, _____, do solemnly, sincerely, and truly affirm and declare, &c.

EIGHTH SCHEDULE.

Declaration.

Sections 21, 24.
9 Vic. No. 9,
Schedule. I, _____, do solemnly and sincerely declare that _____, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

NINTH SCHEDULE.

Declaration.

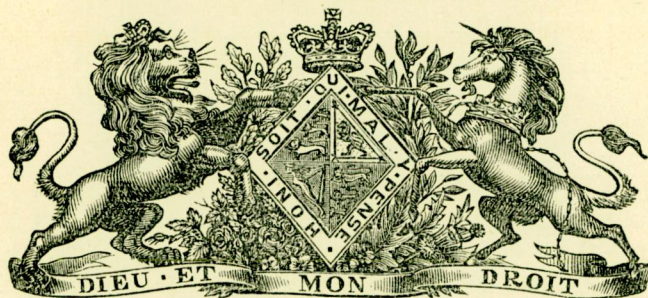
Sections 21, 24.
46 Vic. No. 17,
Schedule 7. I, _____, of (*residence*), do hereby solemnly declare and affirm that [*the facts to be stated according to the declarant's knowledge, belief, or information, severally*]. And I make this solemn declaration, as to the matter (*or* matters) aforesaid, according to the law in this behalf made—and subject to the punishment by law provided for any wilfully false statement in any such declaration.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council Chamber,
Sydney, 12th September, 1900. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

Act No. 20, 1900.

An Act to consolidate the enactments relating to oaths, affirmations, statutory declarations and affidavits. [Assented to, 22nd September, 1900.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

Preliminary.

1. This Act shall commence and take effect on the first day of January, one thousand nine hundred and one, and may be cited as the "Oaths Act, 1900," and is divided into parts as follows:—

PART I.—*Preliminary*—ss. 1-2.

PART II.—*Oaths*—ss. 3-11.

PART III.—*Affirmations*—ss. 12-14.

PART

Oaths.

PART IV.—*Statutory declarations—ss. 15–25.*PART V.—*Affidavits—ss. 26–29.*

Repeal.
Schedule I.

Rules and notifica-
tions under repealed
Acts.

2. (1) The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed.

(2) All rules made and notifications published under the authority of any Act hereby repealed shall be deemed to have been made and published under the authority of this Act.

PART II.
Oaths.

Oath of allegiance
substituted for
certain oath and
declaration.

Second Schedule.
20 Vic. No. 9, s. 1.
33 Vic. No. 14, s. 9.

3. (1) Where but for the passing of this Act or the Act twentieth Victoria number nine hereby repealed it would be necessary for any person—

(a) to take the oaths commonly called the Oaths of Allegiance, Supremacy, and Abjuration, or any of them; or

(b) to take the oath prescribed by the Act commonly called the Roman Catholic Relief Act; or

(c) to make the declaration prescribed by the Imperial Act ninth George the Fourth, chapter seventeen,

it shall be sufficient for such person to take in lieu of the said several oaths and declaration the oath of allegiance in the form in the Second Schedule hereto.

Before whom the
oath may be taken.
20 Vic. No. 9, s. 2.

(2) Where by any law in force at the time of the passing of the said Act twentieth Victoria number nine the said several oaths or any of them might be taken before the Supreme Court or before a Judge, or were required to be taken in open Court, the oath prescribed by this Act may be taken and subscribed at any hour before the said Court or any Judge thereof, or before any Circuit Court or Court of Quarter Sessions, or any justice of the peace authorised by writ of *Dedimus potestatem* for that purpose.

Oath of allegiance.
Second Schedule.
33 Vic. No. 14, s. 9.

4. (1) The oath of allegiance in the form in the Second Schedule hereto shall be substituted for the oaths prescribed by the thirty-third section of the Constitution Act.

(2) The said form in the said Second Schedule shall be the form of oath of allegiance taken by all other persons liable to take the said oath.

Interpretation.
Second to Fifth
Schedules.

Ibid. s. 2.

Ibid. s. 3.

Ibid. s. 4.

5. In this part of this Act—

“Oath of allegiance,” when hereinafter used, means an oath in the form in the Second Schedule hereto.

“Official oath” means an oath in the form in the Third Schedule hereto.

“Judicial oath” means an oath in the form in the Fourth Schedule hereto.

“Executive

Oaths.

“Executive Councillor’s oath” means an oath in the form in the Fifth Schedule hereto. 33 Vic. No. 14, s. 5.

6. The name of the Sovereign of the United Kingdom of Great Britain and Ireland shall be substituted in the said forms from time to time instead of the name of Her Majesty. Name of Sovereign.
Ibid. s. 10.
20 Vic. No. 9, s. 4.

7. (1) The oath of allegiance and the official oath shall be tendered to and taken by all public officers required by order of the Governor to take the same. Public officers.
33 Vic. No. 14, s. 6.

(2) Such oaths shall be tendered to and taken by every such officer in manner in that behalf provided by the said order as soon as may be after the acceptance of office by him.

8. (1) The oath of allegiance and the judicial oath shall be tendered to and taken by Judges of the Supreme Court and justices of the peace. Judges and justices
of the peace.
Ibid. s. 7.

(2) Such oaths shall be tendered and taken in manner in which the oaths required to be taken by such persons before the passing of the Act thirty-third Victoria number fourteen would have been tendered and taken.

9. (1) The oath of allegiance and the judicial oath shall be tendered to and taken by District Court Judges and other judicial officers who are required by order of the Governor to take the same. District Court
judges and other
judicial officers.
Ibid.

(2) Such oaths shall be tendered and taken in manner in that behalf provided by the said order.

10. (1) The oath of allegiance, the official oath, and the Executive Councillor’s oath shall be tendered to and taken by every member of the Executive Council before he enters upon the discharge of the duties of his office. Executive
councillors.
Ibid. s. 5.

(2) Such oaths shall be tendered and taken in manner in which the oaths required to be taken by such member before the passing of the Act thirty-third Victoria number fourteen on entering on his office would have been tendered and taken.

11. (1) If any such officer as aforesaid liable to take any such oath declines or neglects when the same is duly tendered to take such oath, he shall, if he has already entered on his office, vacate the same, and if he has not entered on the same be disqualified from so doing. Penalty on not
taking required oath.
Ibid. s. 8.

(2) But no person shall be compelled in respect of the same appointment to the same office to take such oath more than once.

PART III.

Affirmations.

12. When an oath is required to be taken under Part II of this Act, any person by law entitled to make a solemn affirmation or declaration instead of taking an oath may instead of taking such oath *Ibid.* s. 11.
make

Oaths.

make a solemn affirmation in the form of such oath appointed by this Act, substituting the words "solemnly, sincerely, and truly declare and affirm" for the word "swear," and omitting the words "so help me God."

Declaration or affirmation in lieu of oath.

Sixth and Seventh Schedules.

20 Vic. No. 31, s. 10.

22 Vic. No. 7, s. 1.

22 Vic. No. 18, s. 48.

40 Vic. No. 8, s. 3.

46 Vic. No. 17, s. 343.

- 13.** (1) Whenever any person—
- (a) called as a witness in any Court or before any justice or other person authorised to administer an oath, whether in a civil or criminal proceeding, or
 - (b) having to make a statement in any information, complaint, or proceeding in any Court or before any justice, or
 - (c) required or desired to make an affidavit or deposition,
- objects to take an oath, or is reasonably objected to as incompetent to take an oath, or appears to such Court or justice or person so authorised incompetent to take an oath, he may in lieu of such oath—
- (i) when so called as a witness make a declaration in the form in the Sixth Schedule hereto, or
 - (ii) in any other case make a solemn affirmation in the form in the Seventh Schedule hereto.

Penalty for wilfully false statements.

(2) Whosoever, having made such declaration or affirmation, wilfully gives any false evidence before such Court, justice, or person so authorised, or makes any false statement in such information, complaint, proceeding, affidavit, or deposition, knowing the same to be false, shall be deemed guilty of perjury if the evidence or statement, had it been on oath, would by law have been perjury.

Affirmations by jurors in certain cases.

20 Vic. No. 31, s. 10.

46 Vic. No. 17, s. 339.

14. (1) Whenever any juror objects to be sworn, the Court or Judge may permit him, instead of taking an oath, to make a solemn declaration, which shall be in the form of oath now in use, but substituting the words "So you solemnly declare and promise" for the words "So help you God."

(2) It shall not be necessary to allege, in any record or proceeding, that a particular juror made any such declaration, but it shall be sufficient in all cases to state that the jurors solemnly declared or were sworn.

PART IV.
Statutory declarations.

Declarations substituted for oaths.

9 Vic. No. 9, s. 1.

15. In any case where by any Act relating to any of the public revenue or any public office or public department, or by any official regulation in any department, any oath or affidavit might, but for this Act, be required to be taken or made by any person—

- (a) on the doing of any act, matter, or thing, or
- (b) for the purpose of verifying any book, account, entry, or return, or
- (c)

Oaths.

(c) for any other purpose whatsoever, the Governor may, by notification in the Gazette, substitute a declaration to the same effect as such oath or affidavit.

16. From and after the expiration of twenty-one days next following the date of the Gazette wherein such notification is first published the provisions of this Part of this Act shall extend and apply to every case, office, or department specified in such notification.

To be notified in Gazette.
9 Vic. No. 9, s. 2.

17. After the expiration of the said twenty-one days it shall not be lawful for any officer or other person to administer or cause to be administered any oath or to take or cause to be taken any affidavit in lieu of which such declaration has been substituted.

Oaths not to be taken thereafter.
Ibid. s. 3.

18. Every person who but for this Act might be required to take such oath or make such affidavit shall, in the presence of the officer or person empowered by the Act or regulation imposing the same to administer such oath or take such affidavit, make and subscribe such declaration; and such officer or person is hereby empowered and required to administer such declaration accordingly.

Declaration, how administered.
Ibid. s. 1.

19. Nothing in this part of this Act shall extend or apply to—
(a) the oath of allegiance in any case in which the same is required to be taken by any person appointed to any office; or
(b) any oath or affidavit taken or made or required to be taken or made in any judicial proceeding in any court of justice.

This Part not to extend to certain oaths.
Ibid. ss. 5, 6.

20. (1) It shall not be lawful for any justice of the peace or other person to administer or cause or allow to be received any oath or affidavit touching any matter or thing whereof such justice or other person has not jurisdiction or cognisance by some Act or Imperial Act in force at the time being.

Abolition of extra judicial oaths.
Ibid. s. 7.

(2) Provided that nothing in this section contained shall be construed to extend to—

- (a) any oath or affidavit before any justice of the peace in any matter or thing touching the preservation of the peace, or the prosecution, trial, or punishment of offences; or
- (b) any inquiry held before any justice of the peace in the nature of coroners' inquests respecting sudden deaths; or
- (c) any proceeding before either House of Parliament or a committee thereof; or
- (d) any oath or affidavit required by the laws of any foreign or other country out of New South Wales to give validity to instruments in writing designed to be used in foreign or other countries respectively; or
- (e) any declaration under this Part of this Act.

21. Any justice of the peace, notary public, or other officer by law authorised to administer an oath may take and receive the declaration of any person voluntarily making the same before him in the form or to the effect of the form in either the Eighth or the Ninth Schedule to this Act.

Declaration in cases not specifically provided for.
Eighth and Ninth Schedules.
Ibid. s. 9.

22. 46 Vic. No. 17, s. 295.

Oaths.

Wills, deeds, &c.,
may be verified by
declaration.
9 Vic. No. 9, s. 8.

22. Any attesting witness to the execution of any will or codicil, deed, or instrument in writing, and any other competent person, may verify and prove the signing, sealing, publication, or delivery of any such will, codicil, deed, or instrument in writing by such declaration in writing made as aforesaid before such justice, notary, or officer.

Fees.
Ibid. s. 10.

23. Whenever any declaration is made and subscribed by any person under or in pursuance of any of the provisions of this Part of this Act, every such fee as would have been due and payable on the taking or making of any oath or affidavit, shall be in like manner due and payable upon making and subscribing such declaration.

Form of declaration.
Eighth and Ninth
Schedules.
Ibid. s. 11.
46 Vic. No. 17, s. 295.

24. In all cases where by this Part of this Act, or under the authority thereof, or by virtue of any power or authority hereby given, a declaration—

(a) is substituted in lieu of an oath or affidavit; or
(b) is directed or authorised to be made and subscribed, although not substituted in lieu of an oath or affidavit,
such declaration, unless otherwise directed by the powers hereby given, shall be in the form, or to the effect of the form, in either the Eighth or the Ninth Schedule to this Act.

False declaration.
9 Vic. No. 9, ss. 4, 9,
12.

25. In all cases where by this Part of this Act, or under the authority thereof, or by virtue of any power or authority hereby given, a declaration—

(a) is substituted in lieu of an oath or affidavit; or
(b) is directed or authorised to be made and subscribed, although not substituted in lieu of an oath or affidavit,
any person who wilfully and corruptly makes and subscribes any such declaration, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanour.

PART V.
Affidavits.

Justices empowered
to take affidavits.
37 Vic. No. 10, s. 1.
Appointment of
commissioners for
affidavits.
Ibid.

26. Every justice of the peace shall have power to take and receive affidavits in all matters pending in any Court.

27. (1) The Chief Justice of the Supreme Court may by commission, under the seal of the said Court, authorise as many persons as he may think necessary to take and receive affidavits concerning any matter within the jurisdiction of any Court.

(2) Every such commission heretofore issued by any Chief Justice and now in force shall be deemed to have been issued under this Act.

Fees.
Ibid. s. 2.

28. Every person authorised to act under any such commission shall receive such fees as may be prescribed by rule of the Supreme Court.

Oaths.

29. Every person wilfully swearing falsely in any affidavit made before any such justice of the peace or other person so authorised to take affidavits, shall be deemed guilty of perjury and shall incur and be liable to the same pains and penalties as if he had wilfully sworn falsely in open Court in a judicial proceeding in the Supreme Court.

Penalty for swearing falsely in affidavits.
37 Vic. No. 10, s. 1.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Reference to Act.	Title or short title.	Extent of repeal.
9 Vic. No. 9 ...	An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.	The whole.
20 Vic. No. 9 ...	An Act to simplify the oaths of qualification for office.	The whole.
20 Vic. No. 31 ...	The Common Law Procedure Act of 1857...	Section 10.
22 Vic. No. 7 ...	An Act for the further amendment of the law of evidence.	The unrepealed portion.
22 Vic. No. 18 ...	District Courts Act of 1858... ..	So much of section 48 as relates to section 10 of the Common Law Procedure Act of 1857.
33 Vic. No. 14 ...	Promissory Oaths Act	The whole.
36 Vic. No. 31 ...	Promissory Oaths Declaratory Act of 1873	The whole.
37 Vic. No. 10 ...	Commissioners for Affidavits Act of 1874 ...	The whole.
40 Vic. No. 8 ...	Evidence Further Amendment Act, 1876 ...	The unrepealed portion.
46 Vic. No. 17 ...	Criminal Law Amendment Act of 1883 ...	Section 295, from and including the words "And every solemn declaration" to the end of the section; sections 339 and 343, and the Seventh Schedule.

SECOND SCHEDULE.

Sections 3, 4, 5.

33 Vic. No. 14, s. 2.

Oath of allegiance.

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her Heirs and Successors according to law.

So help me God.

THIRD

Oaths.

THIRD SCHEDULE.

Official oath.

Section 5.
37 Vic. No. 10, s. 3. I, _____, do swear that I will well and truly serve Her Majesty Queen Victoria in the office of _____
So help me God.

FOURTH SCHEDULE.

Judicial oath.

Section 5.
Ibid. s. 4. I, _____, do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of _____, and I will do right to all manner of people after the laws and usages of this Colony without fear or favour, affection or ill-will.
So help me God.

FIFTH SCHEDULE.

Executive Councillor's oath.

Section 5.
Ibid. s. 5. I, _____, being chosen and admitted of Her Majesty's Executive Council in New South Wales, do swear that I will to the best of my judgment at all times when thereto required freely give my counsel and advice to the Governor or Officer Administering the Government of New South Wales for the time being for the good management of the public affairs of New South Wales, that I will not directly or indirectly reveal such matters as shall be debated in council and committed to my secrecy, but that I will in all things be a true and faithful councillor.
So help me God.

SIXTH SCHEDULE.

Declaration.

Section 13.
46 Vic. No. 17, s. 343. I solemnly declare that the evidence now about to be given (or the statement now about to be made) by me shall be the truth, the whole truth, and nothing but the truth.

SEVENTH SCHEDULE.

Affirmation.

Section 13.
20 Vic. No. 31, s. 10. I, _____, do solemnly, sincerely, and truly affirm and declare, &c.

EIGHTH SCHEDULE.

Declaration.

Sections 21, 24.
9 Vic. No. 9,
Schedule. I, _____, do solemnly and sincerely declare that _____, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

NINTH SCHEDULE.

Declaration.

Sections 21, 24.
46 Vic. No. 17,
Schedule 7. I, _____, of (residence), do hereby solemnly declare and affirm that [the facts to be stated according to the declarant's knowledge, belief, or information, severally]. And I make this solemn declaration, as to the matter (or matters) aforesaid, according to the law in this behalf made—and subject to the punishment by law provided for any wilfully false statement in any such declaration.

In the name and on the behalf of Her Majesty I assent to this Act.

Government House,
Sydney, 22nd September, 1900.

BEAUCHAMP,
Governor.

Memo. and Certificate to accompany the Oaths Bill.

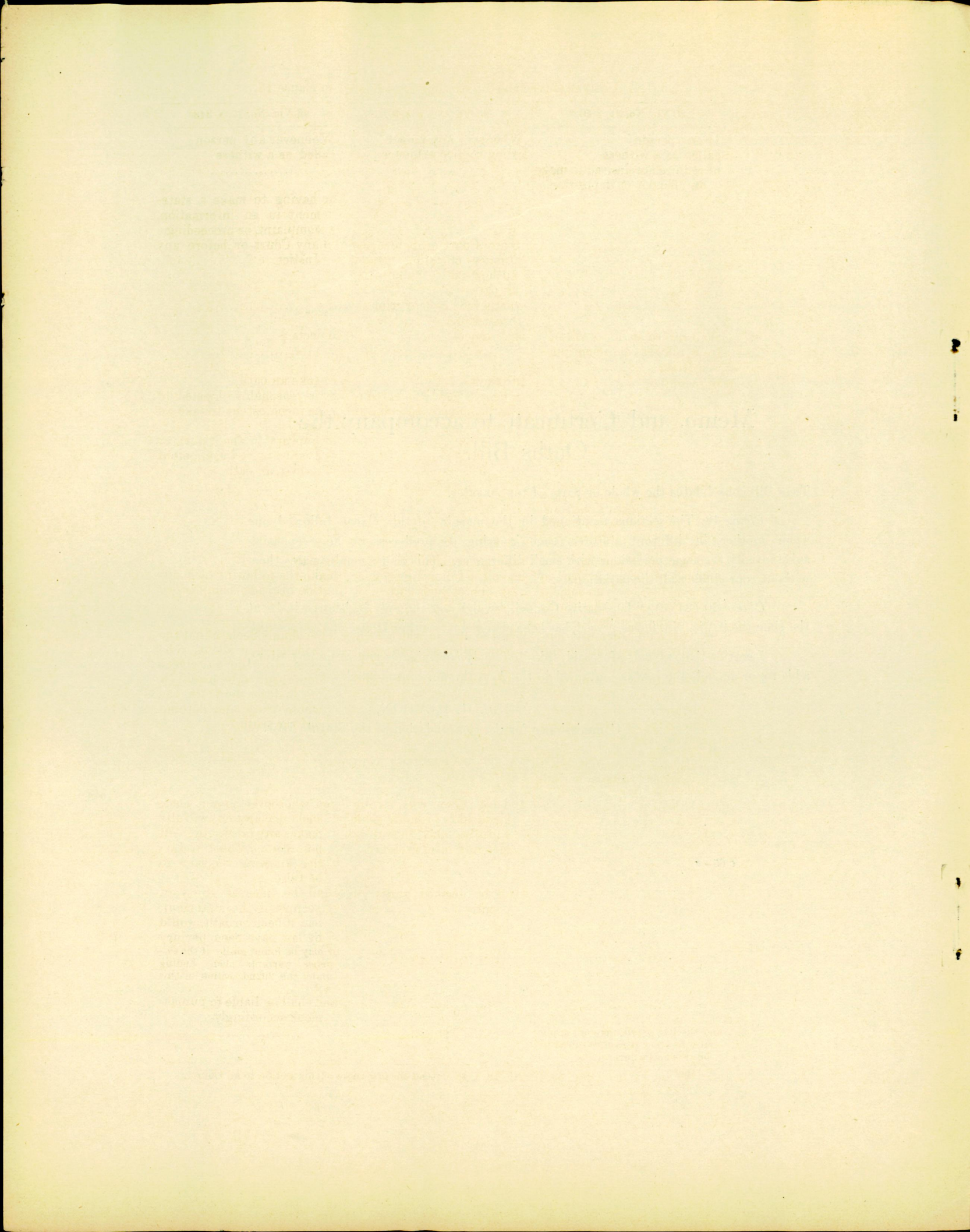
THIS Bill consolidates the whole or parts of ten statutes.

Clause 13. The sections mentioned in the margin to this clause followed one upon another, in different statutes, each ignoring its predecessors, and repeating substantially the same provisions with small differences. This clause amalgamates them without reproducing all the variations.

Clause 20 (2) (c). "Legislative Council," which was the only legislative body at the time the 9 Vic. No. 9 was passed, has been changed to "either House of Parliament."

I certify that, save as aforesaid, this Bill solely consolidates and in no way alters, adds to, or amends the law as contained in the Acts therein consolidated.

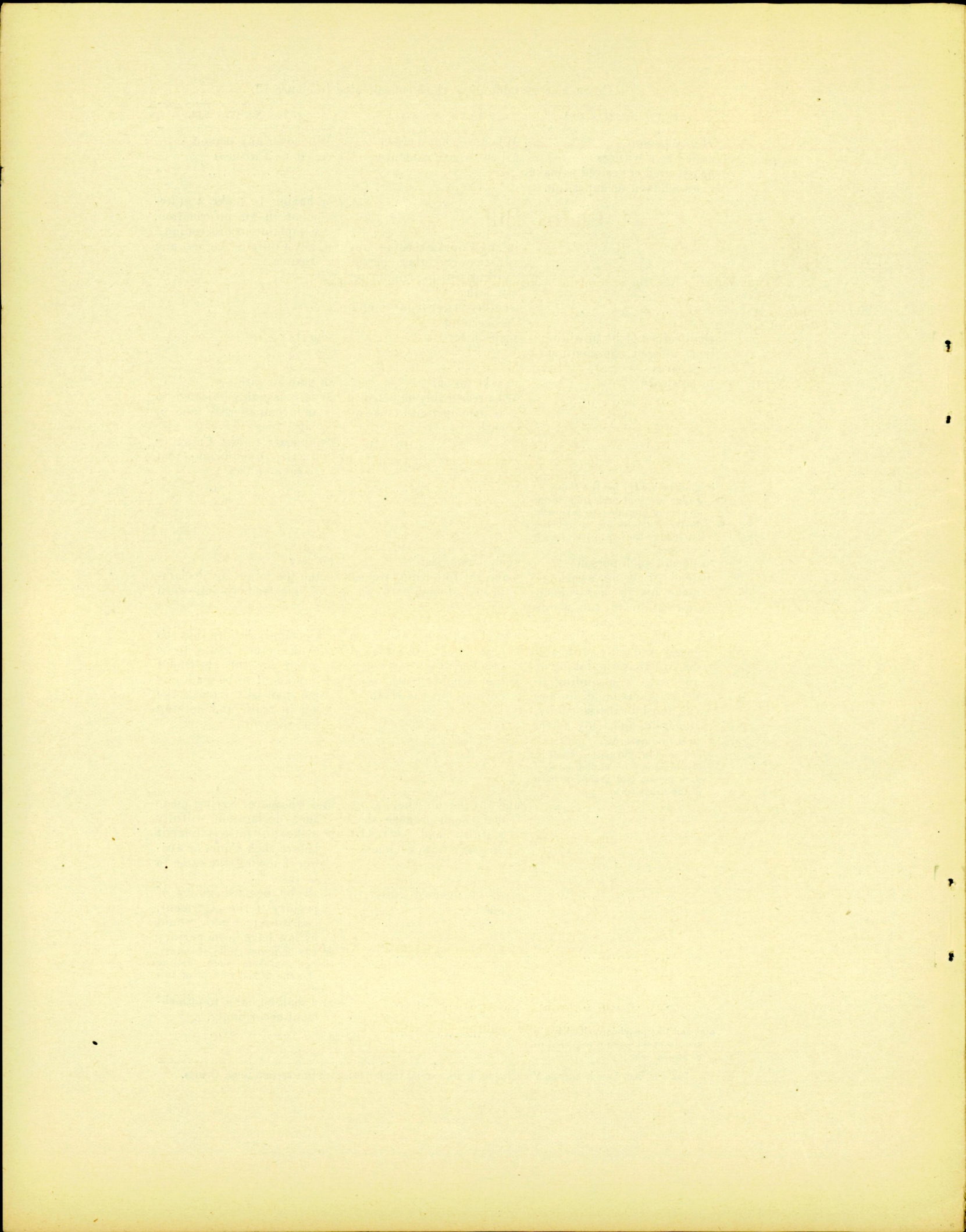
CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.



COMPARATIVE table of sections consolidated in clause 13.

20 Vic. No. 31, s. 10.*	40 Vic. No. 8, s. 3.	46 Vic. No. 17, s. 343.
If any person called as a witness or required or desired to make an affidavit or deposition	Whenever any person called to give evidence	Whenever any person called as a witness
..... .....	..... ..... in any Court or before any Justice or other person authorised to administer an oath	..... or having to make a statement in an information, complaint, or proceeding in any Court or before any Justice
shall refuse or be unwilling from alleged conscientious motives to be sworn	whether in a civil or criminal proceeding shall object	objects
.....	to take an oath or be reasonably objected to as incompetent to take an oath	to take an oath or is reasonably objected to as incompetent to take an oath
it shall be lawful for the Court or Judge or other presiding officer or person qualified to take affidavits or depositions upon being satisfied of the sincerity of such objection to permit such person instead of being sworn to make his or her solemn affirmation in the words following, videlicet :— “ I, A.B., do solemnly, sincerely, and truly affirm and declare that the taking of any oath is according to my religious belief unlawful, and I do also solemnly, sincerely, and truly affirm and declare, &c.”	such person shall make the following promise in lieu of such oath :— “ In the case in which I am now called as a witness I promise to tell the truth, the whole truth, and nothing but the truth ”	he may make the following declaration instead of being sworn “ I solemnly declare that the evidence now about to be given (or the statement now about to be made) by me shall be the truth, the whole truth, and nothing but the truth ”
which solemn affirmation shall be of the same force and effect as if such person had taken an oath in the usual form	.....	.....
.....	and any person who, having made such promise, shall wilfully and corruptly give any false evidence	and whosoever having made such declaration wilfully makes any false statement before such Court or Justice knowing the same to be false
.....	shall be deemed guilty of perjury	shall be deemed guilty of perjury if the statement, had it been on oath, would by law have been perjury or may be found guilty if the evidence warrants such finding under the 292nd section of this Act
and the like provisions shall apply also to every person required to be sworn as a juror.	.....	and shall be liable to punishment accordingly.

*22 Vic. No. 7, s. 1, and 22 Vic. No. 18, s. 48, extend the provisions of this section to all Courts.



Oaths Bill.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
9 VICTORIA No. 9.		
1	15, 18	
2	16	
3	17	
4	25	
5, 6	19	
7	20	
8	22	
9	21, 25	
10	23	
11	24	
12	25	
20 VICTORIA No. 9.		
1, 2	3	
3	.....	Superseded by 33 Vic. No. 14, s. 7.
4	6	
5	.....	Superseded by 33 Vic. No. 14, s. 11.
20 VICTORIA No 31.		
10	13, 14	
22 VICTORIA No. 7.		
1	13	
22 VICTORIA No. 18.		
48	13	
33 VICTORIA No. 14.		
1	.....	Short title.
2-4	5	
5	5, 10	
6	7	
7	8, 9	
8	11	
9	3, 4	17 Vic. No. 8 was repealed by 39 Vic. No. 19.
10	6	
11	12	
36 VICTORIA No 31.		
1-3	.....	Re-enacts and confirms 33 Vic. No 14.

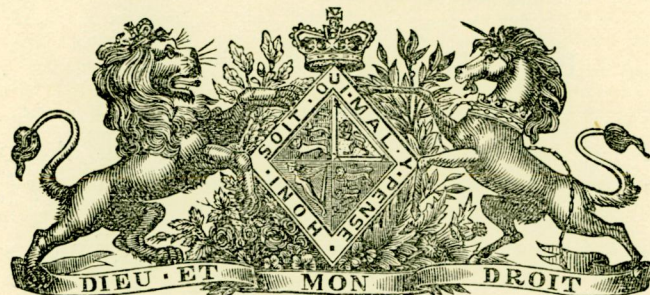
Section of Repealed Acts.	Section of Consolidated Act.	Remarks.	
37 VICTORIA No. 10.			
1 2 3	26, 27, 29 28	Short title.	
40 VICTORIA No. 8.			
1 2 3 4 13		Repealed by Evidence Act. Repealed by Criminal Law Amendment Act. Short title.
46 VICTORIA No. 17.			
295 339 343	21, 24 14 13	The unrepealed part dealt with in the Crimes Act.	

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber,
Sydney, 30th August, 1900. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

Act No. , 1900.

An Act to consolidate the enactments relating to oaths, affirmations, statutory declarations and affidavits.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

Preliminary.

1. This Act shall commence and take effect on the first day of January, one thousand nine hundred and one, and may be cited as the "Oaths Act, 1900," and is divided into parts as follows :—

PART I.—*Preliminary*—ss. 1-2.

PART II.—*Oaths*—ss. 3-11.

PART III.—*Affirmations*—ss. 12-14.

c 65—A

PART

Commencement,
short title, and
division.

Oaths.

PART IV.—*Statutory declarations*—ss. 15–25.PART V.—*Affidavits*—ss. 26–29.

2. (1) The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed. Repeal.
Schedule I.
- (2) All rules made and notifications published under the authority of any Act hereby repealed shall be deemed to have been made and published under the authority of this Act. Rules and notifications under repealed Acts.

PART II.

Oaths.

3. (1) Where but for the passing of this Act or the Act twentieth Victoria number nine hereby repealed it would be necessary for any person— Oath of allegiance substituted for certain oath and declaration.
- (a) to take the oaths commonly called the Oaths of Allegiance, Supremacy, and Abjuration, or any of them; or Second Schedule.
20 Vic. No. 9, s. 1.
- (b) to take the oath prescribed by the Act commonly called the Roman Catholic Relief Act; or 33 Vic. No. 14, s. 9.
- (c) to make the declaration prescribed by the Imperial Act ninth George the Fourth, chapter seventeen, -
- it shall be sufficient for such person to take in lieu of the said several oaths and declaration the oath of allegiance in the form in the Second Schedule hereto.
- (2) Where by any law in force at the time of the passing of the said Act twentieth Victoria number nine the said several oaths or any of them might be taken before the Supreme Court or before a Judge, or were required to be taken in open Court, the oath prescribed by this Act may be taken and subscribed at any hour before the said Court or any Judge thereof, or before any Circuit Court or Court of Quarter Sessions, or any justice of the peace authorised by writ of *Dedimus potestatem* for that purpose. Before whom the oath may be taken.
20 Vic. No. 9, s. 2.
4. (1) The oath of allegiance in the form in the Second Schedule hereto shall be substituted for the oaths prescribed by the thirty-third section of the Constitution Act. Oath of allegiance.
Second Schedule.
33 Vic. No. 14, s. 9.
- (2) The said form in the said Second Schedule shall be the form of oath of allegiance taken by all other persons liable to take the said oath.
5. In this part of this Act—
- “Oath of allegiance,” when hereinafter used, means an oath in the form in the Second Schedule hereto. Interpretation.
Second to Fifth Schedules.
- “Official oath” means an oath in the form in the Third Schedule hereto. *Ibid.* s. 2.
- “Judicial oath” means an oath in the form in the Fourth Schedule hereto. *Ibid.* s. 3.
- “Executive *Ibid.* s. 4.

Oaths.

“Executive Councillor’s oath” means an oath in the form in the 33 Vic. No. 14, s. 5.
Fifth Schedule hereto.

6. The name of the Sovereign of the United Kingdom of Great Name of Sovereign.
Britain and Ireland shall be substituted in the said forms from time to Ibid. s. 10.
time instead of the name of Her Majesty. 20 Vic. No. 9, s. 4.

7. (1) The oath of allegiance and the official oath shall be Public officers.
tendered to and taken by all public officers required by order of the 33 Vic. No. 14, s. 6.
Governor to take the same.

(2) Such oaths shall be tendered to and taken by every such
officer in manner in that behalf provided by the said order as soon as
may be after the acceptance of office by him.

8. (1) The oath of allegiance and the judicial oath shall be Judges and justices
tendered to and taken by Judges of the Supreme Court and justices of of the peace.
the peace. Ibid. s. 7.

(2) Such oaths shall be tendered and taken in manner in
which the oaths required to be taken by such persons before the
passing of the Act thirty-third Victoria number fourteen would have
been tendered and taken.

9. (1) The oath of allegiance and the judicial oath shall be District Court
tendered to and taken by District Court Judges and other judicial judges and other
officers who are required by order of the Governor to take the same. judicial officers.
Ibid.

(2) Such oaths shall be tendered and taken in manner in
that behalf provided by the said order.

10. (1) The oath of allegiance, the official oath, and the Executive
Executive Councillor’s oath shall be tendered to and taken by every councillors.
member of the Executive Council before he enters upon the discharge Ibid. s. 5.
of the duties of his office.

(2) Such oaths shall be tendered and taken in manner in
which the oaths required to be taken by such member before the
passing of the Act thirty-third Victoria number fourteen on entering
on his office would have been tendered and taken.

11. (1) If any such officer as aforesaid liable to take any such Penalty on not
oath declines or neglects when the same is duly tendered to take such taking required oath.
oath, he shall, if he has already entered on his office, vacate the same, Ibid. s. 8.
and if he has not entered on the same be disqualified from so doing.

(2) But no person shall be compelled in respect of the
same appointment to the same office to take such oath more than once.

PART III.
Affirmations.

12. When an oath is required to be taken under Part II of this Ibid. s. 11.
Act, any person by law entitled to make a solemn affirmation or
declaration instead of taking an oath may instead of taking such oath
make

Oaths.

make a solemn affirmation in the form of such oath appointed by this Act, substituting the words "solemnly, sincerely, and truly declare and affirm" for the word "swear," and omitting the words "so help me God."

13. (1) Whenever any person—

- (a) called as a witness in any Court or before any justice or other person authorised to administer an oath, whether in a civil or criminal proceeding, or
- (b) having to make a statement in any information, complaint, or proceeding in any Court or before any justice, or
- (c) required or desired to make an affidavit or deposition, objects to take an oath, or is reasonably objected to as incompetent to take an oath, or appears to such Court or justice or person so authorised incompetent to take an oath, he may in lieu of such oath—
 - (i) when so called as a witness make a declaration in the form in the Sixth Schedule hereto, or
 - (ii) in any other case make a solemn affirmation in the form in the Seventh Schedule hereto.

Declaration or affirmation in lieu of oath.
Sixth and Seventh Schedules.
20 Vic. No. 31, s. 10.
22 Vic. No. 7, s. 1.
22 Vic. No. 18, s. 48.
40 Vic. No. 8, s. 3.
46 Vic. No. 17, s. 243.

(2) Whosoever, having made such declaration or affirmation, wilfully gives any false evidence before such Court, justice, or person so authorised, or makes any false statement in such information, complaint, proceeding, affidavit, or deposition, knowing the same to be false, shall be deemed guilty of perjury if the evidence or statement, had it been on oath, would by law have been perjury.

Penalty for wilfully false statements.

14. (1) Whenever any juror objects to be sworn, the Court or Judge may permit him, instead of taking an oath, to make a solemn declaration, which shall be in the form of oath now in use, but substituting the words "So you solemnly declare and promise" for the words "So help you God."

Affirmations by jurors in certain cases.
20 Vic. No. 31, s. 10.
46 Vic. No. 17, s. 339.

(2) It shall not be necessary to allege, in any record or proceeding, that a particular juror made any such declaration, but it shall be sufficient in all cases to state that the jurors solemnly declared or were sworn.

PART IV.

Statutory declarations.

15. In any case where by any Act relating to any of the public revenue or any public office or public department, or by any official regulation in any department, any oath or affidavit might, but for this Act, be required to be taken or made by any person—

Declarations substituted for oaths.
9 Vic. No. 9, s. 1.

- (a) on the doing of any act, matter, or thing, or
- (b) for the purpose of verifying any book, account, entry, or return, or
- (c)

Oaths.

(c) for any other purpose whatsoever, the Governor may, by notification in the Gazette, substitute a declaration to the same effect as such oath or affidavit.

16. From and after the expiration of twenty-one days next following the date of the Gazette wherein such notification is first published the provisions of this Part of this Act shall extend and apply to every case, office, or department specified in such notification.

To be notified in Gazette.
9 Vic. No. 9, s. 2.

17. After the expiration of the said twenty-one days it shall not be lawful for any officer or other person to administer or cause to be administered any oath or to take or cause to be taken any affidavit in lieu of which such declaration has been substituted.

Oaths not to be taken thereafter.
Ibid. s. 3.

18. Every person who but for this Act might be required to take such oath or make such affidavit shall, in the presence of the officer or person empowered by the Act or regulation imposing the same to administer such oath or take such affidavit, make and subscribe such declaration; and such officer or person is hereby empowered and required to administer such declaration accordingly.

Declaration, how administered.
Ibid. s. 1.

19. Nothing in this part of this Act shall extend or apply to—
(a) the oath of allegiance in any case in which the same is required to be taken by any person appointed to any office; or
(b) any oath or affidavit taken or made or required to be taken or made in any judicial proceeding in any court of justice.

This Part not to extend to certain oaths.
Ibid. ss. 5, 6.

20. (1) It shall not be lawful for any justice of the peace or other person to administer or cause or allow to be received any oath or affidavit touching any matter or thing whereof such justice or other person has not jurisdiction or cognisance by some Act or Imperial Act in force at the time being.

Abolition of extra judicial oaths.
Ibid. s. 7.

(2) Provided that nothing in this section contained shall be construed to extend to—

- (a) any oath or affidavit before any justice of the peace in any matter or thing touching the preservation of the peace, or the prosecution, trial, or punishment of offences; or
- (b) any inquiry held before any justice of the peace in the nature of coroners' inquests respecting sudden deaths; or
- (c) any proceeding before either House of Parliament or a committee thereof; or
- (d) any oath or affidavit required by the laws of any foreign or other country out of New South Wales to give validity to instruments in writing designed to be used in foreign or other countries respectively; or
- (e) any declaration under this Part of this Act.

21. Any justice of the peace, notary public, or other officer by law authorised to administer an oath may take and receive the declaration of any person voluntarily making the same before him in the form or to the effect of the form in either the Eighth or the Ninth Schedule to this Act.

Declaration in cases not specifically provided for.
Eighth and Ninth Schedules.
Ibid. s. 9.

22. 46 Vic. No. 17, s. 295.

Oaths.

22. Any attesting witness to the execution of any will or codicil, deed, or instrument in writing, and any other competent person, may verify and prove the signing, sealing, publication, or delivery of any such will, codicil, deed, or instrument in writing by such declaration in writing made as aforesaid before such justice, notary, or officer.

Wills, deeds, &c.,
may be verified by
declaration.
9 Vic. No. 9, s. 8.

23. Whenever any declaration is made and subscribed by any person under or in pursuance of any of the provisions of this Part of this Act, every such fee as would have been due and payable on the taking or making of any oath or affidavit, shall be in like manner due and payable upon making and subscribing such declaration.

Fees.
Ibid. s. 10.

24. In all cases where by this Part of this Act, or under the authority thereof, or by virtue of any power or authority hereby given, a declaration—

Form of declaration.
Eighth and Ninth
Schedules.
Ibid. s. 11.

(a) is substituted in lieu of an oath or affidavit; or

(b) is directed or authorised to be made and subscribed, although not substituted in lieu of an oath or affidavit,

46 Vic. No. 17, s. 295.

such declaration, unless otherwise directed by the powers hereby given, shall be in the form, or to the effect of the form, in either the Eighth or the Ninth Schedule to this Act.

25. In all cases where by this Part of this Act, or under the authority thereof, or by virtue of any power or authority hereby given, a declaration—

False declaration.
9 Vic. No. 9, ss. 4, 9,
12.

(a) is substituted in lieu of an oath or affidavit; or

(b) is directed or authorised to be made and subscribed, although not substituted in lieu of an oath or affidavit,

any person who wilfully and corruptly makes and subscribes any such declaration, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanour.

PART V.

Affidavits.

26. Every justice of the peace shall have power to take and receive affidavits in all matters pending in any Court.

Justices empowered
to take affidavits.
37 Vic. No. 10, s. 1.

27. (1) The Chief Justice of the Supreme Court may by commission, under the seal of the said Court, authorise as many persons as he may think necessary to take and receive affidavits concerning any matter within the jurisdiction of any Court.

Appointment of
commissioners for
affidavits.
Ibid.

(2) Every such commission heretofore issued by any Chief Justice and now in force shall be deemed to have been issued under this Act.

28. Every person authorised to act under any such commission shall receive such fees as may be prescribed by rule of the Supreme Court.

Fees.
Ibid. s. 2.

29.

Oaths.

29. Every person wilfully swearing falsely in any affidavit made before any such justice of the peace or other person so authorised to take affidavits, shall be deemed guilty of perjury and shall incur and be liable to the same pains and penalties as if he had wilfully sworn falsely in open Court in a judicial proceeding in the Supreme Court.

Penalty for swearing falsely in affidavits.

37 Vic. No. 10, s. 1.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Reference to Act.	Title or short title.	Extent of repeal.
9 Vic. No. 9 ...	An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.	The whole.
20 Vic. No. 9 ...	An Act to simplify the oaths of qualification for office.	The whole.
20 Vic. No. 31 ...	The Common Law Procedure Act of 1857...	Section 10.
22 Vic. No. 7 ...	An Act for the further amendment of the law of evidence.	The unrepealed portion.
22 Vic. No. 18 ...	District Courts Act of 1858... ..	So much of section 48 as relates to section 10 of the Common Law Procedure Act of 1857.
33 Vic. No. 14 ...	Promissory Oaths Act	The whole.
36 Vic. No. 31 ...	Promissory Oaths Declaratory Act of 1873	The whole.
37 Vic. No. 10 ...	Commissioners for Affidavits Act of 1874 ...	The whole.
40 Vic. No. 8 ...	Evidence Further Amendment Act, 1876 ...	The unrepealed portion.
46 Vic. No. 17 ...	Criminal Law Amendment Act of 1883 ...	Section 295, from and including the words "And every solemn declaration" to the end of the section; sections 339 and 343, and the Seventh Schedule.

SECOND SCHEDULE.

Sections 3, 4, 5.

33 Vic. No. 14, s. 2.

Oath of allegiance.

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her Heirs and Successors according to law.

So help me God.

THIRD

Oaths.

THIRD SCHEDULE.

Official oath.

I, , do swear that I will well and truly serve Her Majesty Queen Victoria in the office of , do help me God. Section 5. 37 Vic. No. 10, s. 3.

FOURTH SCHEDULE.

Judicial oath.

I, , do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of , and I will do right to all manner of laws and usages of this Colony without fear or favour, affection or ill-will. Section 5. Ibid. s. 4. So help me God.

FIFTH SCHEDULE.

Executive Councillor's oath.

I, , being chosen and admitted of Her Majesty's Executive Council in New South Wales, do swear that I will to the best of my judgment at all times when thereto required freely give my counsel and advice to the Governor or Officer Administering the Government of New South Wales for the time being for the good management of the public affairs of New South Wales, that I will not directly or indirectly reveal such matters as shall be debated in council and committed to my secrecy, but that I will in all things be a true and faithful councillor. Section 5. Ibid. s. 5. So help me God.

SIXTH SCHEDULE.

Declaration.

I solemnly declare that the evidence now about to be given (or the statement now about to be made) by me shall be the truth, the whole truth, and nothing but the truth. Section 13. 46 Vic. No. 17, s. 343.

SEVENTH SCHEDULE.

Affirmation.

I, , do solemnly, sincerely, and truly affirm and declare, &c. Section 13. 20 Vic. No. 31, s. 10.

EIGHTH SCHEDULE.

Declaration.

I, , do solemnly and sincerely declare that , and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900. Sections 21, 24. 9 Vic. No. 9, Schedule.

NINTH SCHEDULE.

Declaration.

I, , of (residence), do hereby solemnly declare and affirm that [the facts to be stated according to the declarant's knowledge, belief, or information, severally]. And I make this solemn declaration, as to the matter (or matters) aforesaid, according to the law in this behalf made—and subject to the punishment by law provided for any wilfully false statement in any such declaration. Sections 21, 24. 46 Vic. No. 17, Schedule 7.

Memo. and Certificate to accompany the Oaths Bill.

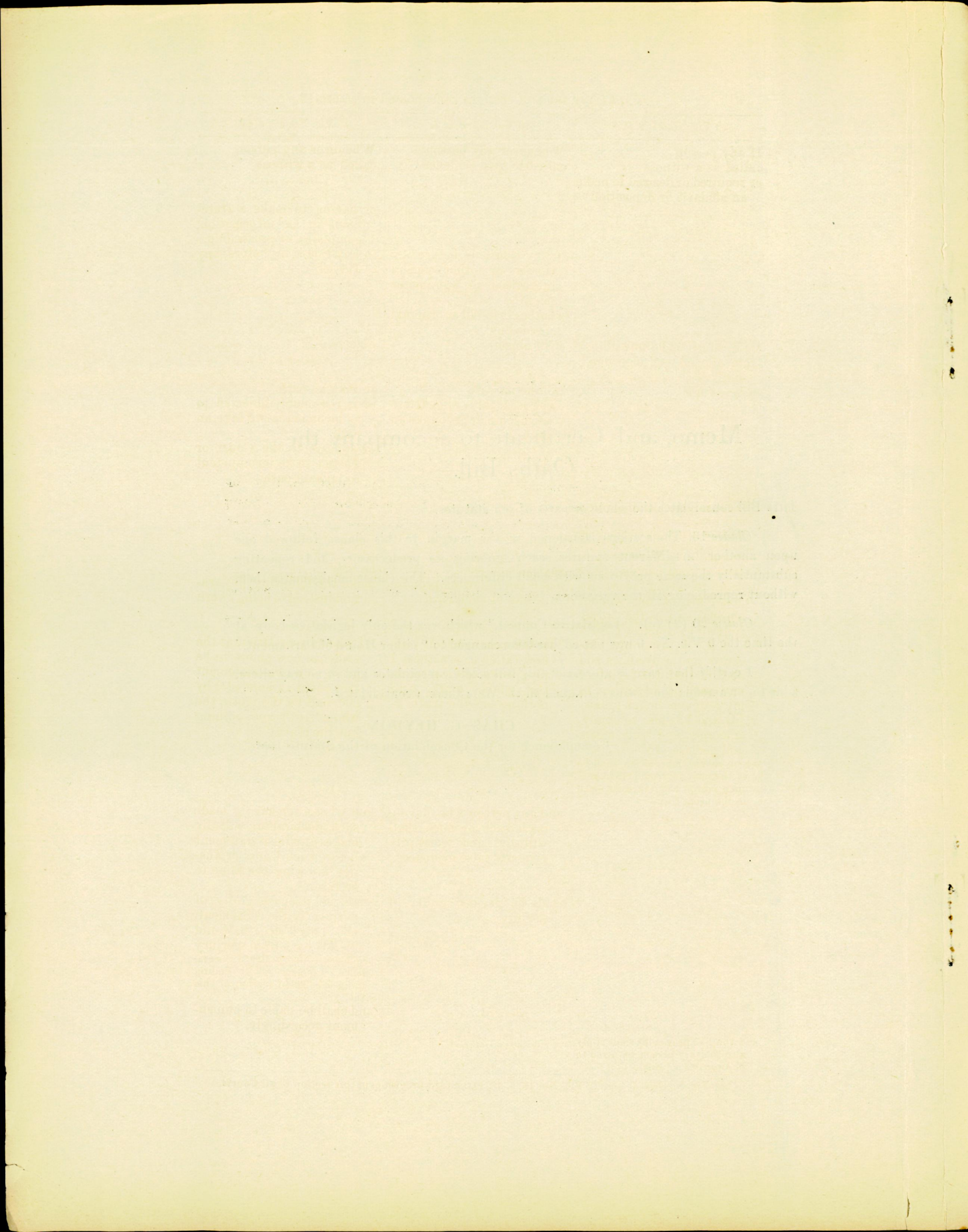
THIS Bill consolidates the whole or parts of ten statutes.

Clause 13. The sections mentioned in the margin to this clause followed one upon another, in different statutes, each ignoring its predecessors, and repeating substantially the same provisions with small differences. This clause amalgamates them without reproducing all the variations.

Clause 20 (2) (c). "Legislative Council," which was the only legislative body at the time the 9 Vic. No. 9 was passed, has been changed to "either House of Parliament."

I certify that, save as aforesaid, this Bill solely consolidates and in no way alters, adds to, or amends the law as contained in the Acts therein consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.



COMPARATIVE table of sections consolidated in clause 13.

20 Vic. No. 31, s. 10.*	40 Vic. No. 8, s. 3.	46 Vic. No. 17, s. 343.
If any person called as a witness or required or desired to make an affidavit or deposition	Whenever any person called to give evidence	Whenever any person called as a witness
..... .....	..... ..... in any Court or before any Justice or other person authorised to administer an oath	..... or having to make a statement in an information, complaint, or proceeding in any Court or before any Justice
shall refuse or be unwilling from alleged conscientious motives to be sworn	whether in a civil or criminal proceeding shall object	objects
..... .....	..... to take an oath or be reasonably objected to as incompetent to take an oath	..... to take an oath or is reasonably objected to as incompetent to take an oath
it shall be lawful for the Court or Judge or other presiding officer or person qualified to take affidavits or depositions upon being satisfied of the sincerity of such objection	.....	.....
to permit such person instead of being sworn to make his or her solemn affirmation in the words following, videlicet :— “ I, A.B., do solemnly, sincerely, and truly affirm and declare that the taking of any oath is according to my religious belief unlawful, and I do also solemnly, sincerely, and truly affirm and declare, &c.”	such person shall make the following promise in lieu of such oath :— “ In the case in which I am now called as a witness I promise to tell the truth, the whole truth, and nothing but the truth ”	he may make the following declaration instead of being sworn “ I solemnly declare that the evidence now about to be given (or the statement now about to be made) by me shall be the truth, the whole truth, and nothing but the truth ”
which solemn affirmation shall be of the same force and effect as if such person had taken an oath in the usual form	.....	.....
.....	and any person who, having made such promise, shall wilfully and corruptly give any false evidence	and whosoever having made such declaration wilfully makes any false statement before such Court or Justice knowing the same to be false
.....	shall be deemed guilty of perjury	shall be deemed guilty of perjury if the statement, had it been on oath, would by law have been perjury or may be found guilty if the evidence warrants such finding under the 202nd section of this Act
.....	.....	and shall be liable to punishment accordingly.
and the like provisions shall apply also to every person required to be sworn as a juror.	.....	.....

*22 Vic. No. 7, s. 1, and 22 Vic. No. 18, s. 48, extend the provisions of this section to all Courts.

THE STATE OF TEXAS,
 COUNTY OF _____
 vs.

 Plaintiff
 vs.

 Defendant

I, _____, Clerk of the Court, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the files of the Court.

In testimony whereof, I have hereunto set my hand and the seal of the Court at _____, Texas, this _____ day of _____, 19____.

 Clerk of the Court

Oaths Bill.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
9 VICTORIA No. 9.		
1	15, 18	
2	16	
3	17	
4	25	
5, 6	19	
7	20	
8	22	
9	21, 25	
10	23	
11	24	
12	25	
Sub-sec. 2 (e) is inserted in view of s. 21 (g) of the Interpretation Act.		
20 VICTORIA No. 9.		
1, 2	3	
3	.....	Superseded by 33 Vic. No. 14, s. 7.
4	6	
5	.....	Superseded by 33 Vic. No. 14, s. 11.
20 VICTORIA No 31.		
10	13, 14	
22 VICTORIA No. 7.		
1	13	
22 VICTORIA No. 18.		
48	13	
33 VICTORIA No. 14.		
1	.....	Short title.
2-4	5	
5	5, 10	
6	7	
7	8, 9	
8	11	
9	3, 4	
10	6	
11	12	
17 Vic. No. 8 was repealed by 39 Vic. No. 19.		
36 VICTORIA No 31.		
1-3	.....	Re-enacts and confirms 33 Vic. No. 14.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
37 VICTORIA No. 10.		
1	26, 27, 29	Short title.
2	28	
3		
40 VICTORIA No. 8.		
1	.....	Repealed by Evidence Act.
2	.....	Repealed by Criminal Law Amendment Act.
3	13	Short title.
4	.....
46 VICTORIA No. 17.		
295	21, 24	The unrepealed part dealt with in the Crimes Act.
339	14	
343	18	

Legislative Council.

No. , 1900.

A BILL

To consolidate the enactments relating to oaths, affirmations,
statutory declarations and affidavits.

[MR. F. B. SUTTOR ;—23 August, 1900.]

BE it enacted by the Queen's Most Excellent Majesty, by and with
the advice and consent of the Legislative Council and Legislative
Assembly of New South Wales in Parliament assembled, and by the
authority of the same, as follows :—

PART I.

Preliminary.

1. This Act shall commence and take effect on the first day of Commencement,
January, one thousand nine hundred and one, and may be cited as short title, and
the "Oaths Act, 1900," and is divided into parts as follows :—division.

PART I.—*Preliminary*—ss. 1-2.

PART II.—*Oaths*—ss. 3-11.

PART III.—*Affirmations*—ss. 12-14.

c 65—A

PART

PART IV.—*Statutory declarations—ss. 15–25.*PART V.—*Affidavits—ss. 26–29.*

Repeal.
Schedule I.

Rules and notifications under repealed Acts.

2. (1) The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed.

(2) All rules made and notifications published under the authority of any Act hereby repealed shall be deemed to have been made and published under the authority of this Act.

PART II.

Oaths.

Oath of allegiance substituted for certain oath and declaration.
Second Schedule.]
20 Vic. No. 9, s. 1.
33 Vic. No. 14, s. 9.

3. (1) Where but for the passing of this Act or the Act twentieth Victoria number nine hereby repealed it would be necessary for any person—

(a) to take the oaths commonly called the Oaths of Allegiance, Supremacy, and Abjuration, or any of them; or

(b) to take the oath prescribed by the Act commonly called the Roman Catholic Relief Act; or

(c) to make the declaration prescribed by the Imperial Act ninth George the Fourth, chapter seventeen,

it shall be sufficient for such person to take in lieu of the said several oaths and declaration the oath of allegiance in the form in the Second Schedule hereto.

Before whom the oath may be taken.
20 Vic. No. 9, s. 2.

(2) Where by any law in force at the time of the passing of the said Act twentieth Victoria number nine the said several oaths or any of them might be taken before the Supreme Court or before a Judge, or were required to be taken in open Court, the oath prescribed by this Act may be taken and subscribed at any hour before the said Court or any Judge thereof, or before any Circuit Court or Court of Quarter Sessions, or any justice of the peace authorised by writ of *Dedimus potestatem* for that purpose.

Oath of allegiance.
Second Schedule.
33 Vic. No. 14, s. 9.

4. (1) The oath of allegiance in the form in the Second Schedule hereto shall be substituted for the oaths prescribed by the thirty-third section of the Constitution Act.

(2) The said form in the said Second Schedule shall be the form of oath of allegiance taken by all other persons liable to take the said oath.

Interpretation.
Second to Fifth Schedules.

Ibid. s. 2.

Ibid. s. 3.

Ibid. s. 4.

5. In this part of this Act—

“Oath of allegiance,” when hereinafter used, means an oath in the form in the Second Schedule hereto.

“Official oath” means an oath in the form in the Third Schedule hereto.

“Judicial oath” means an oath in the form in the Fourth Schedule hereto.

“Executive

“ Executive Councillor’s oath ” means an oath in the form in the 33 Vic. No. 14, s. 5. Fifth Schedule hereto.

6. The name of the Sovereign of the United Kingdom of Great Britain and Ireland shall be substituted in the said forms from time to time instead of the name of Her Majesty. Name of Sovereign. Ibid. s. 10. 20 Vic. No. 9, s. 4.

7. (1) The oath of allegiance and the official oath shall be tendered to and taken by all public officers required by order of the Governor to take the same. Public officers. 33 Vic. No. 14, s. 6.

(2) Such oaths shall be tendered to and taken by every such officer in manner in that behalf provided by the said order as soon as may be after the acceptance of office by him.

8. (1) The oath of allegiance and the judicial oath shall be tendered to and taken by Judges of the Supreme Court and justices of the peace. Judges and justices of the peace. Ibid. s. 7.

(2) Such oaths shall be tendered and taken in manner in which the oaths required to be taken by such persons before the passing of the Act thirty-third Victoria number fourteen would have been tendered and taken.

9. (1) The oath of allegiance and the judicial oath shall be tendered to and taken by District Court Judges and other judicial officers who are required by order of the Governor to take the same. District Court judges and other judicial officers. Ibid.

(2) Such oaths shall be tendered and taken in manner in that behalf provided by the said order.

10. (1) The oath of allegiance, the official oath, and the Executive Councillor’s oath shall be tendered to and taken by every member of the Executive Council before he enters upon the discharge of the duties of his office. Executive councillors. Ibid. s. 5.

(2) Such oaths shall be tendered and taken in manner in which the oaths required to be taken by such member before the passing of the Act thirty-third Victoria number fourteen on entering on his office would have been tendered and taken.

11. (1) If any such officer as aforesaid liable to take any such oath declines or neglects when the same is duly tendered to take such oath, he shall, if he has already entered on his office, vacate the same, and if he has not entered on the same be disqualified from so doing. Penalty on not taking required oath. Ibid. s. 8.

(2) But no person shall be compelled in respect of the same appointment to the same office to take such oath more than once.

PART III.

Affirmations.

12. When an oath is required to be taken under Part II of this Act, any person by law entitled to make a solemn affirmation or declaration instead of taking an oath may instead of taking such oath make ^{an} ₂₃

make a solemn affirmation in the form of such oath appointed by this Act, substituting the words "solemnly, sincerely, and truly declare and affirm" for the word "swear," and omitting the words "so help me God."

Declaration or affirmation in lieu of oath.

Sixth and Seventh Schedules.

20 Vic. No. 31, s. 10.

22 Vic. No. 7, s. 1.

22 Vic. No. 18, s. 48.

40 Vic. No. 8, s. 3.

46 Vic. No. 17, s. 343.

13. (1) Whenever any person—

(a) called as a witness in any Court or before any justice or other person authorised to administer an oath, whether in a civil or criminal proceeding, or

(b) having to make a statement in any information, complaint, or proceeding in any Court or before any justice, or

(c) required or desired to make an affidavit or deposition,

objects to take an oath, or is reasonably objected to as incompetent to take an oath, or appears to such Court or justice or person so authorised incompetent to take an oath, he may in lieu of such oath—

(i) when so called as a witness make a declaration in the form in the Sixth Schedule hereto, or

(ii) in any other case make a solemn affirmation in the form in the Seventh Schedule hereto.

Penalty for wilfully false statements.

(2) Whosoever, having made such declaration or affirmation, wilfully gives any false evidence before such Court, justice, or person so authorised, or makes any false statement in such information, complaint, proceeding, affidavit, or deposition, knowing the same to be false, shall be deemed guilty of perjury if the evidence or statement, had it been on oath, would by law have been perjury.

Affirmations by jurors in certain cases.

20 Vic. No. 31, s. 10.

46 Vic. No. 17, s. 339.

14. (1) Whenever any juror objects to be sworn, the Court or Judge may permit him, instead of taking an oath, to make a solemn declaration, which shall be in the form of oath now in use, but substituting the words "So you solemnly declare and promise" for the words "So help you God."

(2) It shall not be necessary to allege, in any record or proceeding, that a particular juror made any such declaration, but it shall be sufficient in all cases to state that the jurors solemnly declared or were sworn.

PART IV.

Statutory declarations.

Declarations substituted for oaths.

9 Vic. No. 9, s. 1.

15. In any case where by any Act relating to any of the public revenue or any public office or public department, or by any official regulation in any department, any oath or affidavit might, but for this Act, be required to be taken or made by any person—

(a) on the doing of any act, matter, or thing, or

(b) for the purpose of verifying any book, account, entry, or return, or

(c)

(c) for any other purpose whatsoever, the Governor may, by notification in the Gazette, substitute a declaration to the same effect as such oath or affidavit.

16. From and after the expiration of twenty-one days next following the date of the Gazette wherein such notification is first published the provisions of this Part of this Act shall extend and apply to every case, office, or department specified in such notification.

To be notified in Gazette.
9 Vic. No. 9, s. 2.

17. After the expiration of the said twenty-one days it shall not be lawful for any officer or other person to administer or cause to be administered any oath or to take or cause to be taken any affidavit in lieu of which such declaration has been substituted.

Oaths not to be taken thereafter.
Ibid. s. 3.

18. Every person who but for this Act might be required to take such oath or make such affidavit shall, in the presence of the officer or person empowered by the Act or regulation imposing the same to administer such oath or take such affidavit, make and subscribe such declaration; and such officer or person is hereby empowered and required to administer such declaration accordingly.

Declaration, how administered.
Ibid. s. 1.

19. Nothing in this part of this Act shall extend or apply to—
(a) the oath of allegiance in any case in which the same is required to be taken by any person appointed to any office; or
(b) any oath or affidavit taken or made or required to be taken or made in any judicial proceeding in any court of justice.

This Part not to extend to certain oaths.
Ibid. ss. 5, 6.

20. (1) It shall not be lawful for any justice of the peace or other person to administer or cause or allow to be received any oath or affidavit touching any matter or thing whereof such justice or other person has not jurisdiction or cognisance by some Act or Imperial Act in force at the time being.

Abolition of extra-judicial oaths.
Ibid. s. 7.

(2) Provided that nothing in this section contained shall be construed to extend to—

- (a) any oath or affidavit before any justice of the peace in any matter or thing touching the preservation of the peace, or the prosecution, trial, or punishment of offences; or
- (b) any inquiry held before any justice of the peace in the nature of coroners' inquests respecting sudden deaths; or
- (c) any proceeding before either House of Parliament or a committee thereof; or
- (d) any oath or affidavit required by the laws of any foreign or other country out of New South Wales to give validity to instruments in writing designed to be used in foreign or other countries respectively; or
- (e) any declaration under this Part of this Act.

21. Any justice of the peace, notary public, or other officer by law authorised to administer an oath may take and receive the declaration of any person voluntarily making the same before him in the form or to the effect of the form in either the Eighth or the Ninth Schedule to this Act.

Declaration in cases not specifically provided for.
Eighth and Ninth Schedules.
Ibid. s. 9.

22. 46 Vic. No. 17, s. 295.

Wills, deeds, &c.,
may be verified by
declaration.

9 Vic. No. 9, s. 8.

22. Any attesting witness to the execution of any will or codicil, deed, or instrument in writing, and any other competent person, may verify and prove the signing, sealing, publication, or delivery of any such will, codicil, deed, or instrument in writing by such declaration in writing made as aforesaid before such justice, notary, or officer.

Fees.

Ibid. s. 10.

23. Whenever any declaration is made and subscribed by any person under or in pursuance of any of the provisions of this Part of this Act, every such fee as would have been due and payable on the taking or making of any oath or affidavit, shall be in like manner due and payable upon making and subscribing such declaration.

Form of declaration.

Eighth and Ninth
Schedules.

Ibid. s. 11.

46 Vic. No. 17, s. 295.

24. In all cases where by this Part of this Act, or under the authority thereof, or by virtue of any power or authority hereby given, a declaration—

(a) is substituted in lieu of an oath or affidavit; or

(b) is directed or authorised to be made and subscribed, although not substituted in lieu of an oath or affidavit,

such declaration, unless otherwise directed by the powers hereby given, shall be in the form, or to the effect of the form, in either the Eighth or the Ninth Schedule to this Act.

False declaration.

9 Vic. No. 9, ss. 4, 9,
12.

25. In all cases where by this Part of this Act, or under the authority thereof, or by virtue of any power or authority hereby given, a declaration—

(a) is substituted in lieu of an oath or affidavit; or

(b) is directed or authorised to be made and subscribed, although not substituted in lieu of an oath or affidavit,

any person who wilfully and corruptly makes and subscribes any such declaration, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanour.

PART V.

Affidavits.

Justices empowered
to take affidavits.

37 Vic. No. 10, s. 1.

Appointment of
commissioners for
affidavits.

Ibid.

26. Every justice of the peace shall have power to take and receive affidavits in all matters pending in any Court.

27. (1) The Chief Justice of the Supreme Court may by commission, under the seal of the said Court, authorise as many persons as he may think necessary to take and receive affidavits concerning any matter within the jurisdiction of any Court.

(2) Every such commission heretofore issued by any Chief Justice and now in force shall be deemed to have been issued under this Act.

Fees.

Ibid. s. 2.

28. Every person authorised to act under any such commission shall receive such fees as may be prescribed by rule of the Supreme Court.

29.

29. Every person wilfully swearing falsely in any affidavit made before any such justice of the peace or other person so authorised to take affidavits, shall be deemed guilty of perjury and shall incur and be liable to the same pains and penalties as if he had wilfully sworn falsely in open Court in a judicial proceeding in the Supreme Court.

Penalty for swearing falsely in affidavits.
37 Vic. No. 10, s. 1.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Reference to Act.	Title or short title.	Extent of repeal.
9 Vic. No. 9 ...	An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.	The whole.
20 Vic. No. 9 ...	An Act to simplify the oaths of qualification for office.	The whole.
20 Vic. No. 31 ...	The Common Law Procedure Act of 1857...	Section 10.
22 Vic. No. 7 ...	An Act for the further amendment of the law of evidence.	The unrepealed portion.
22 Vic. No. 18 ...	District Courts Act of 1858... ..	So much of section 48 as relates to section 10 of the Common Law Procedure Act of 1857.
33 Vic. No. 14 ...	Promissory Oaths Act	The whole.
36 Vic. No. 31 ...	Promissory Oaths Declaratory Act of 1873	The whole.
37 Vic. No. 10 ...	Commissioners for Affidavits Act of 1874 ...	The whole.
40 Vic. No. 8 ...	Evidence Further Amendment Act, 1876 ...	The unrepealed portion.
46 Vic. No. 17 ...	Criminal Law Amendment Act of 1883 ...	Section 295, from and including the words "And every solemn declaration" to the end of the section; sections 339 and 343, and the Seventh Schedule.

SECOND SCHEDULE.

Sections 3, 4, 5.

33 Vic. No. 14, s. 2.

Oath of allegiance.

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her Heirs and Successors according to law.

So help me God.

THIRD

Section 5.
37 Vic. No. 10, s. 3.

THIRD SCHEDULE.

Official oath.

I, _____, do swear that I will well and truly serve Her Majesty Queen Victoria in the office of _____.
So help me God.

Section 5.
Ibid. s. 4.

FOURTH SCHEDULE.

Judicial oath.

I, _____, do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of _____, and I will do right to all manner of people after the laws and usages of this Colony without fear or favour, affection or ill-will.
So help me God.

Section 5.
Ibid. s. 5.

FIFTH SCHEDULE.

Executive Councillor's oath.

I, _____, being chosen and admitted of Her Majesty's Executive Council in New South Wales, do swear that I will to the best of my judgment at all times when thereto required freely give my counsel and advice to the Governor or Officer Administering the Government of New South Wales for the time being for the good management of the public affairs of New South Wales, that I will not directly or indirectly reveal such matters as shall be debated in council and committed to my secrecy, but that I will in all things be a true and faithful councillor.
So help me God.

Section 13.
46 Vic. No. 17, s. 343.

SIXTH SCHEDULE.

Declaration.

I solemnly declare that the evidence now about to be given (*or* the statement now about to be made) by me shall be the truth, the whole truth, and nothing but the truth.

Section 13.
20 Vic. No. 31, s. 10.

SEVENTH SCHEDULE.

Affirmation.

I, _____, do solemnly, sincerely, and truly affirm and declare, &c.

Sections 21, 24.
9 Vic. No. 9,
Schedule.

EIGHTH SCHEDULE.

Declaration.

I, _____, do solemnly and sincerely declare that _____, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

Sections 21, 24.
46 Vic. No. 17,
Schedule 7.

NINTH SCHEDULE.

Declaration.

I, _____, of (*residence*), do hereby solemnly declare and affirm that [*the facts to be stated according to the declarant's knowledge, belief, or information, severally*]. And I make this solemn declaration, as to the matter (*or* matters) aforesaid, according to the law in this behalf made—and subject to the punishment by law provided for any wilfully false statement in any such declaration.