

OATHS BILL.

MEMORANDUM.

THE purpose of this Bill is to abolish the insanitary practice of "kissing the Book" on the taking of an oath. This practice is of comparatively recent origin, and seems to have come into common use during the eighteenth century. In earlier times it was customary for the person taking the oath to "touch with his hand some part of the Holy Scripture" (3 Coke's Institutes, p. 165).

"Kissing the Book" has already been abolished in England by the Oaths Act, 1909.

Alternative forms of oath are provided by the Bill, so as to make due provision for all cases. The first form is appropriate for promissory oaths; see, for example, the Promissory Oaths Act, 1908. The second form is that which will in ordinary circumstances be used in Courts of justice. The third alternative includes all forms of oath now permissible. The old forms will remain lawful, though they will no longer be obligatory.

No. 70—2.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

*Legislative Council,
16th September, 1910.*

Hon. Dr. Findlay.

OATHS.

ANALYSIS.

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| Title. | 3. Forms of oaths. |
| 1. Short Title. | 4. Special provision as to oaths in judicial proceedings. |
| 2. Interpretation. | |

A BILL INTITULED

AN ACT to amend the Law as to the Manner of taking Oaths. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Oaths Act, 1910. Short Title.

2. In this Act,— Interpretation.

“Oath” means an oath administered or taken for any purpose whether in judicial proceedings or otherwise :

“Officer” means any person duly authorised to administer oaths.

3. An oath may be administered and taken in any of the manners following:— Forms of oaths.

(a.) The person taking the oath may, while holding in his hand a copy of the Bible, New Testament, or Old Testament, repeat the words of the oath as prescribed or allowed by law ; or

(b.) The officer administering the oath may repeat the appropriate form of adjuration commencing with the words “You swear by Almighty God that,” or words to the like effect, and concluding with the words of the oath as prescribed or allowed by law, and the person taking the oath shall thereupon, while holding in his hand a copy of the Bible, New Testament, or Old Testament, indicate his assent to the oath so administered by uttering the words “I do,” or other words to the like effect ; or

(c.) The oath may be administered and taken in any manner which would have been lawful if this Act had not been passed.

4. In all judicial proceedings the officer administering the oath shall, unless the person about to take the oath voluntarily objects thereto, administer the oath in the form and manner set out in paragraph (b) of the *last preceding* section ; but no oath shall be deemed illegal or invalid by reason of any breach of the provisions of this section. Special provision as to oaths in judicial proceedings.