

(Hon. Mr. O'Rorke.)

Promissory Oaths.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Oath of Allegiance.</p> <p>3. Official Oath.</p> <p>4. Judicial Oath.</p> <p>5. Executive Councillor's Oath.</p> <p>6. By whom Executive Councillor's Oath to be taken.</p> <p>7. By whom Judicial Oath to be taken.</p> <p>8. By whom Official Oath to be taken.</p> <p>9. Effect of neglecting to take oath.</p> <p>10. Alteration of oath under "Aliens Act, 1866.</p> | <p>11. Certain oaths not to be taken.</p> <p>12. Change of name of Sovereign.</p> <p>13. Affirmation in lieu of oath.</p> <p>14. Declaration to be taken instead of oaths in certain cases.</p> <p>15. Effect of such declaration.</p> <p>16. Effect of neglecting to make declaration.</p> <p>17. Saving as to certain oaths.</p> <p>18. Saving as to persons already holding offices and admitted to privileges.</p> <p>Schedules.</p> |
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A BILL INTITULED

AN ACT to amend the Law relating to Promissory 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. The Short Title of this Act shall be "The Promissory Oaths Short Title.
5 Act, 1873."

2. The oath in this Act referred to as the Oath of Allegiance Oath of Allegiance.
shall be in the form following, that is to say—
I do swear that I will be faithful and bear true
allegiance to Her Majesty Queen Victoria her heirs and
10 successors according to law. So help me God.

3. The oath in this Act referred to as the Official Oath shall be Official Oath.
in the form following, that is to say—
I do swear that I will well and truly serve Her
15 Majesty Queen Victoria in the office of . So help
me God.

4. The oath in this Act referred to as the Judicial Oath shall be Judicial Oath.
in the form following, that is to say,—
I do swear that I will well and truly serve our
20 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.

5. The oath in this Act referred to as the Executive Councillor's Executive Council-
lor's Oath.
Oath shall be in the form following, that is to say,—
25 I being chosen and admitted of the Executive Council
in New Zealand, 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, Lieutenant-
30 Governor, or Officer Administering the Government of New
Zealand for the time being, for the good management of

the affairs of New Zealand. That I will not directly nor 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.

By whom Executive Councillor's Oath to be taken.

6. The Oath of Allegiance and the Executive Councillor's Oath shall be taken by every person admitted of the Executive Council of the Colony as soon as may be after his acceptance of office; and such oaths shall be tendered by the Clerk of the Executive Council or officer for the time being acting as Clerk of the Executive Council in the presence of the Governor or otherwise as the Governor shall direct at a meeting of the Executive Council.

By whom Judicial Oath to be taken.

7. The Oath of Allegiance and Judicial Oath shall be taken by each of the officers named in the First Schedule hereto as soon as may be after his acceptance of office, and such oaths shall be tendered and taken in manner in which the oaths required to be taken by such officer previously to the passing of this Act would have been tendered and taken, or in such manner as the Governor shall from time to time direct.

By whom Official Oath to be taken.

8. The Official Oath shall be tendered to and taken by each of the officers named in the Second Schedule hereto as soon as may be after his acceptance of office by the officer, and in the manner in that behalf mentioned in the said Schedule.

Effect of neglecting to take oath.

9. If any officer mentioned in this Act or in the Schedule hereto declines or neglects when any oath required to be taken by him under this Act 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 entering on the same, but no person shall be compelled in respect of the same appointment to the same office to take any oath or make any affirmation more times than one.

Alteration of oath under "Aliens Act, 1866."

10. The form of the Oath of Allegiance provided by this Act shall be deemed to be substituted in the case of "The Aliens Act, 1866," for the form of the Oath of Allegiance therein prescribed to be taken; and all the provisions of the said Act shall apply to the oath substituted by this section in the same manner as if that form of oath were actually inserted in the Schedule to the said Act in the place of the oath for which it is substituted.

Certain oaths not to be taken.

11. No person shall be required or authorized to take the Oaths of Allegiance Supremacy and Abjuration or any of such oaths, or any oath substituted for such oaths or any of them, or to make any declaration to the like effect of such oaths or any of them except so far as regards the oath referred to in this Act as the Oath of Allegiance, the persons required to take the Oath of Allegiance by this Act and the Constitution Act and "The Aliens Act, 1866," or one of such Acts, any Act Ordinance Statute or Charter to the contrary notwithstanding.

Change of name of Sovereign.

12. Where in any oath under this Act the name of her present Majesty is expressed the name of the Sovereign of the United Kingdom for the time being shall be substituted from time to time.

Affirmation in lieu of oath.

13. When any oath is required to be taken under this Act, every person for the time being by law permitted to make a solemn affirmation or declaration instead of taking an oath, may, instead of taking such oath, make a solemn affirmation in the form of the oath hereby appointed, substituting the words "solemnly sincerely and truly declare and affirm" for the word "swear," and omitting the words "So help me God."

Declaration to be taken instead of oaths in certain cases.

14. Where in any case not provided for by this Act or included within the saving clauses thereof, any person would by virtue of any law now in force be required to take any oath on or as a condition of his accepting any employment or office, or being admitted to any rights or privileges, a declaration shall be substituted for such oath in

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such form as the person who would have administered such oath shall think fit, but so that the declaration be to the like effect in all respects as the oath for which it is substituted.

5 15. The making a declaration in pursuance of the last preceding section shall in all respects have the same effect as the taking the oath for which the same is substituted would have had if this Act had not passed. Effect of such declaration.

10 16. If any person required by this Act to make a declaration instead of an oath, declines or neglects to make such declaration, he shall be subject to the same penalties and disabilities if any, as he would have been subjected to for declining or neglecting to take the oath for which the declaration provided by this Act is substituted. Effect of neglecting to make declaration.

17. Nothing in this Act shall affect—

Saving as to certain oaths.

- 15 (1.) Any oath prescribed by the Constitution Act.
- (2.) Any oath required to be taken by members of the Armed Constabulary Force, the Militia, or the Volunteers.
- (3.) "The Aliens Act, 1866," except as to the form of oath thereby required to be taken.
- 20 (4.) The eighteenth section of "The Merchant Shipping Act, 1854," except that the form of the Oath of Allegiance prescribed by this Act shall be administered in lieu of any other form of oath heretofore used under the provisions of the said section.
- 25 (5.) Any oath required or authorized by any law in force in this Colony for the purpose of attesting any fact or verifying any account or document.
- 30 (6.) Any oath required to be taken by any juror witness or other person in pursuance of any law rule usage or custom as preliminary to in the course of any civil criminal military or other trial inquest or proceedings of a judicial nature including any arbitration, or as preliminary to or in the course of any proceedings before a Committee of the Legislative Council or House of Representatives, or a Joint Committee of the said Legislative Council and House of Representatives, or before any Commissioner or other special tribunal appointed by the Governor.

35 18. No person appointed to or holding any office or place or admitted to any rights or privileges before the passing of this Act, who has taken the oath (if any) which under the law in force before the passing of this Act he was required to take, shall be required by virtue of this Act to take any oath or make any declaration in respect of such appointment office place or admission. Saving as to persons already holding offices and admitted to privileges.

SCHEDULES.

Schedules.

THE FIRST SCHEDULE.

- The Chief Justice.
- The Judges of the Supreme Court.
- The Judges of District Courts.
- Justices of the Peace for the Colony or for any limited portion thereof.
- Coroners.
- Sheriffs.

THE SECOND SCHEDULE.

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| <ul style="list-style-type: none"> The Auditor of the Accounts of the Receipt and Expenditure of the Public Revenues of the Colony. The Deputy of the said Auditor. The Comptroller of the Public Account of the Colony. The Deputy of the said Comptroller. | } The oath shall be tendered by and taken in presence of the Governor or some Member of the Executive Council of the Colony. |
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