

## No. XIV.

PROMISSORY OATHS.

## An Act to amend the Law relating to Promissory Oaths. [4th May, 1870.]

WHEREAS it is expedient to amend the Law relating to Promissory Oaths Be it therefore 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:—

Short title.

1. This Act may be cited for all purposes as the "Promissory Oaths Act."

Form of Oath of Allegiance.

2. The oath in this Act referred to as the 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 Successors according to law.  
 " So help me God."

Form of Official Oath.

3. The oath in this Act referred to as the Official Oath shall be in the form following that is to say—

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

Form of Judicial Oath.

4. The oath in this Act referred to as the Judicial Oath shall be in the form following that is to say—

" 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."

Form of oath to be taken by Executive Councillor.

5. Every Member of the Executive Council before entering upon the discharge of the duties of his office shall in addition to the Oath of Allegiance and Official Oath in the form before-mentioned take the following oath—

" I [ ] being chosen and admitted of Her  
 " Majesty's Executive Council in [ ] 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  
 " [ ] for the time being for the good manage-  
 " ment of the public affairs of [ ] 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."

And such oaths shall be tendered and taken in manner in which the oaths required to be taken by such member previously to the passing of this Act on entering on his office would have been tendered and taken.

Official Oath.

6. The Oath of Allegiance and the Official Oath in the form before mentioned shall be tendered to and taken by all public officers as soon as may be after the acceptance of office by the officers who shall  
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be required to take the same by order of the Governor in Council And such oaths shall be tendered and taken in manner in that behalf provided by the said order.

7. The Oath of Allegiance and the Judicial Oath in the form Judicial Oath. before mentioned shall be tendered to and taken by Judges and Justices of the Peace respectively in lieu of the oath prescribed by the Act of Council twentieth Victoria number nine and such oaths shall be tendered and taken in manner in which the oaths required to be taken by such persons previously to the passing of this Act would have been tendered and taken And the said Oath of Allegiance and Judicial Oath shall also be taken by District Court Judges and other judicial officers who shall be required to take the same by order of the Governor in Council And such oaths shall be tendered and taken in manner in that behalf provided by the said order.

8. If any such officer as aforesaid liable to take any of the Penalty on not taking required oath. oaths hereinbefore mentioned or liable to take any of the oaths for which the oaths hereinbefore mentioned are hereby substituted 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 so doing But no person shall be compelled in respect of the same appointment to the same office to take such oath or make the affirmation hereinafter prescribed more than once.

9. The Oath of Allegiance in the form hereinbefore mentioned Oath of Allegiance. shall be deemed to be substituted for the Oath of Allegiance prescribed by the Act of Council twentieth Victoria number nine and also for the Oath of Allegiance prescribed by the thirty-third section of the Act of Council seventeenth Victoria number forty-one as amended by the Act of the Imperial Legislature eighteenth and nineteenth Victoria chapter fifty-four and also for the Oath of Allegiance required by the Act of Council seventeenth Victoria number eight to be taken by aliens on naturalization and shall be the form of Oath of Allegiance taken by all other persons liable to take the said Oath And all the provisions of the said Acts shall apply to the oath substituted by this section in the same manner as if that form of oath were actually inserted in each of the said Acts in the place of the oath for which it is substituted.

10. Where in any oath under this Act the name of Her Name of the Sovereign for the time being to be used in the oath. present Majesty is expressed the name of the Sovereign of the United Kingdom of Great Britain and Ireland shall be substituted from time to time.

11. When an oath is required to be taken under this Act every Proviso in favour of persons entitled to make affirmation. person by law entitled 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."