Anno quarto

Georgii III. Regis.

CAP. XXI.

An Act for taking and ſwearing Affidavits to be made uſe of in any of the Courts of the County Palatine of *Durham*.

WHEREAS it hath been found very inconvenient, that no Perſon or Perſons is or are impowered to grant Commiſſions for the taking and ſwearing of Affidavits to be read and made uſe of in the Court of Chancery of and for the County Palatine of Durham, and in the Court of Seſſion of Pleas held in and for the ſaid County Palatine of Durham, before His Majeſty's Juſtices as well of Pleas of the Crown as of Com- Preamble.

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nion Pleas, and all manner of Pleas whatsoever within the said County Palatine of Durham, in the several Matters and Causes depending in the said Courts respectively; For Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Chancellor of the County Palatine of Durham for the time being, the Justices of the Court of Pleas in and for the said County Palatine for the time being, or any Two of them in their Session of Pleas, shall and may, by One or more Commission or Commissions under the several Seals of the said respective Courts of Chancery and Court of Pleas in and for the said County Palatine of Durham, from time to time, as Need shall require, impower what and as many Persons as shall be thought fit and necessary, to take and swear all and every such Affidavit and Affidavits as any Person or Persons shall be willing and desirous to make before any of the Persons so impowered, in or concerning any Cause, Matter, or Thing, depending, or hereafter to be depending, or any wise concerning any of the Proceedings to be in either of the said Courts of Chancery, or Court of Pleas, in and for the said County Palatine of Durham, as Matters in Chancery in Extraordinary do use to do; which said Affidavits, taken as aforesaid, shall be filed in the several and respective Offices of the said Court of Chancery, and the Court of Pleas, in and for the said County Palatine of Durham; and the same shall and may be read and made use of in the said respective Courts, to all Intents and Purposes, as other Affidavits taken in the said Courts now are:

The Chancellor, and Justices of the Court of Pleas, impowered to issue Commissions to proper Persons to take and swear Affidavits in Causes depending in their respective Courts.

The Affidavits to be filed in the proper Courts,

and read in Evidence.

are: And that all and every Affidavit and Affidavits, taken as aforesaid, shall be of the same Force as Affidavits taken in the said respective Courts now are: And all and every Person and Persons forswearing him, her, or themselves, in such Affidavit or Affidavits, shall incur and be liable unto the same Penalties, as if such Affidavit or Affidavits had been made and taken in open Court: Which said several Commissions shall be made out by the Cursitor of the said County Palatine of Durham, upon a Fiat or Warrant from the said Chancellor of the said County Palatine of Durham, for taking Affidavits in the said Court of Chancery; and upon a Fiat or Warrant from any Two of the Justices of the Pleas, in their Session of Pleas, in and for the said County Palatine of Durham, for taking Affidavits in the said Court of Pleas: And the said Cursitor shall cause an Entry to be made, in a Book to be kept for that Purpose, of the Names of the Persons to whom such Commissions are from time to time granted, and the respective Times when issued: And the following Fees shall be paid for each Commission, and no more (to wit) The Sum of Two Shillings for the Fiat or Warrant; the Sum of Four Shillings for making out the said Commission, besides the King's Duty, and Value of the Parchment; and the Sum of Four Shillings for sealing the same: And every Commissioner or Person so impowered shall take and receive, for the swearing of every Affidavit before him in the said Court of Chancery of Durham, the Sum or Fee of Two Shillings, and no more; and for the swearing of every Affidavit before him in the said Court of Pleas, in and for the said County Palatine of Durham, the Sum or Fee of One Shilling, and no more.

Penalty of Forswearing.

Cursitor to make out the Commissions, upon a Fiat from the Chancellor;

and Fiat from 2 Justices of the Pleas;

and make an Entry thereof;

His Fees for each Commission.

Commissioners Fees for swearing Affidavits.

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Officers of the respective Courts impowered to take Affidavits as heretofore.

Provided always, and it is hereby declared, That such Officers of the said respective Courts of Chancery, and Court of Pleas, in the said County Palatine of Durham, as have heretofore taken or sworn Affidavits, shall and may continue so to do, in the same Manner as if this Act had not been made. 6

FINIS.