CAP. LXXVIII.

An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration.

[15th *August* 1853.]

BE it enacted by the Queen'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, as follows:

"Masters Extraordinary" to cease to be so styled, and to be designated "Commissioners."

I. The Persons now styled "Masters Extraordinary in Chancery" shall cease to be so styled, and they and all Persons hereafter appointed by the Lord Chancellor to execute like Duties in *England* shall be designated "Commissioners to administer Oaths in Chancery in *England*," and shall possess and exercise all such Powers and discharge all such Duties as now appertain to the Office of Master Extraordinary in Chancery by virtue of any Statute or Order of the Court of Chancery or of the Lord Chancellor, or Usage in that Behalf, or otherwise.

Power to appoint Solicitors to administer Oaths and take Declarations in Chancery, and to be styled "London Commissioners."

II. It shall be lawful for the Lord Chancellor from Time to Time to appoint any Persons practising as Solicitors within Ten Miles from *Lincoln's Inn Hall* at their respective Places of Business to administer Oaths and take Declarations, Affirmations, and Attestations of Honour in Chancery, and to possess all such other Powers and discharge all such other Duties as aforesaid; and such Persons shall be styled "*London* Commissioners to administer Oaths in Chancery;" and they shall be entitled to charge and take a Fee of One Shilling and Sixpence for every Oath administered by them, and for every Declaration, Affirmation, or Attestation of Honour taken by them, subject to any Order of the Lord Chancellor varying or annulling the same.

Commissioners may be appointed to administer Oaths in Chancery for the Channel Islands.

III. It shall be lawful for the Lord Chancellor, from Time to Time, to appoint any Persons practising as Solicitors in the *Isle of Man*, in the *Channel Islands*, or any of them, to administer Oaths and take Declarations, Affirmations, and Attestations of Honour in Chancery, and to possess all such other Powers and discharge all such other Duties as aforesaid; and such Persons shall be styled "Commissioners to administer Oaths in Chancery for the *Channel Islands*," and they shall be entitled to charge and take the same Fees as the said "Commissioners to administer Oaths in Chancery."

Commissioners Appointment to bear a Chancery Stamp of 1*l.* in lieu of other Charges.

IV. The Fiat or Document by which any such Commissioners as aforesaid shall be appointed shall bear a Chancery Stamp of One Pound, in lieu of the Stamp of Five Shillings now required; but no other Charge or Fee shall be made or payable in respect of such Appointment, or of anything requisite to be done in order to perfect the same; and it shall not be necessary that any such Appointment should be published in the *London Gazette*.

Not to lessen Power of Lord Chancellor.

Reference to Masters Extraordinary in Acts to apply to Commissioners.

V. Nothing herein contained shall abridge or lessen the Power of the Lord Chancellor as it now exists to appoint fit Persons to administer Oaths and take Declarations, Affirmations, and Attestations of Honour in Chancery, or to regulate the Fees to be taken by them; and where any Act of Parliament refers to the Masters Extraordinary in Chancery, or to their Powers or Duties, the Reference shall be held to apply to and include the Commissioners herein-before mentioned, or to their Powers or Duties, as the Case may be.

Affidavits for Purposes connected with Registration.

VI. 'And whereas by the Twenty-second Section of an Act passed in the Session of 'Parliament held in the Fifteenth and Sixteenth Years of the Reign of Her present 'Majesty, Chapter Eighty-six, it is enacted, that "all Pleas, Answers, Disclaimers, Exami- '"nations, Affidavits, Declarations, Affirmations, and Attestations of Honour in Causes or '"Matters depending in the High Court of Chancery, and also Acknowledgments required '"for the Purpose of enrolling any Deed in the said Court, shall and may be sworn and '"taken in *Scotland* or *Ireland*, or the *Channel Islands*, or in any Colony, Island, Plan- '"tation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Judge, '"Court, Notary Public, or Person lawfully authorized to administer Oaths in such Country, '"Colony, Island, Plantation, or Place respectively, or before any of Her Majesty's Consuls '"or

'"or Vice-Consuls in any Foreign Parts out of Her Majesty's Dominions; and the '"Judges and other Officers of the said Court of Chancery shall take judicial Notice of '"the Seal or Signature, as the Case may be, of any such Court, Judge, Notary Public, '"Person, Consul, or Vice-Consul attached, appended, or subscribed to any such Pleas, '"Answers, Disclaimers, Examinations, Affidavits, Affirmations, Attestations of Honour, '"Declarations, Acknowledgments, or other Documents to be used in the said Court:" 'And whereas by the Twenty-third and Twenty-fourth Sections of the same Act it is also 'enacted, that "all Persons swearing, declaring, affirming, or attesting before any Person '"authorized by this Act to administer Oaths, and take Declarations, Affirmations, or At-'"testations of Honour, shall be liable to all such Penalties, Punishments, and Consequences '"for any wilful and corrupt false swearing, declaring, affirming, or attesting contained '"therein, as if the Matter sworn, declared, affirmed, or attested had been sworn, declared, '"affirmed, or attested before any Court or Persons now by Law authorized to administer '"Oaths, and take Declarations, Affirmations, or Attestations upon Honour;" and that if '"any Person shall forge the Signature or the official Seal of any such Judge, Notary Public, '"or other Person lawfully authorized to administer Oaths under this Act, or shall tender in '"Evidence any Plea, Answer, Disclaimer, Examination, Affidavit, or other judicial or official '"Document with a false or counterfeit Signature or Seal of any such Judge, Court, Notary '"Public, or other Person authorized as aforesaid attached or appended thereto, knowing '"the same Signature or Seal to be false or counterfeit, every such Person shall be guilty '"of Felony, and shall be liable to the same Punishment as any Offender under an Act '"passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled '"*An Act to facilitate the Admission in Evidence of certain official and other Documents:*" 'And whereas it is expedient to extend the recited Provisions of the said first-mentioned 'Act for the Purpose of diminishing the Expense of and incident to Registration of Deeds, 'Wills, and other Documents or Things:' Be it enacted, That such Provision shall extend to the *Isle of Man*, and that all Affidavits, Declarations, and Affirmations to be used before any Registrar or other Officer of any Registry Office in *Great Britain* or *Ireland*, for any Purpose connected with Registration of Deeds or Wills, or other Documents or Things, under the Authority of Parliament, may be sworn and taken in *Scotland* or *Ireland*, the *Isle of Man*, or the *Channel Islands*, or in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Court, Judge, Notary Public, or Person hereby or otherwise lawfully authorized to administer Oaths in such Country, Colony, Island, Plantation, or Place respectively, or before any of Her Majesty's Consuls or Vice-Consuls in any Foreign Parts out of Her Majesty's Dominions; and all Registrars and other Officers of any such Registry Office shall take judicial Notice of the Seal or Signature, as the Case may be, of any such Court, Judge, Notary Public, Person, Consul, or Vice-Consul which shall be attached, appended, or subscribed to any such Affidavit, Declaration, or Affirmation, or any other Document; and that the Enactments contained in the said Twenty-third and Twenty-fourth Sections shall be deemed to be incorporated herein as effectually as if the same Enactments were expressly re-enacted in this Act and applied to Registry Offices.

8 & 9 Vict., c. 113.

Persons authorized to administer Oaths in Chancery may administer Oaths in Chancery of County Palatine of Lancaster.

VII. That where any Person is or shall be authorized to administer Oaths for the High Court of Chancery, such Person is and shall be authorized to administer Oaths for all Suits and Matters whatsoever in the Chancery of the County Palatine of *Lancaster;* and where any Plea, Answer, Affidavit, or other Document whatsoever is or shall be receivable in Evidence in the High Court of Chancery, the same shall be in like Manner receivable in the said Court of the County Palatine.

Term "Lord Chancellor."

VIII. The Term "Lord Chancellor" shall mean also and include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal for the Time being.