

ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. XVI.

An Act to enable the Judges to appoint Commissioners within Ten Miles of *London* and in the *Isle of Man* and the *Channel Islands* to administer Oaths in Common Law, and to authorize the taking in the Country of Bail in Error, and Recognizances and Bail on the Revenue Side of the Exchequer. [19th *April* 1859.]

WHEREAS Commissions to administer Oaths in Proceedings in the Superior Courts of Common Law are granted by the Judges, under the Authority of an Act passed in the Twenty-ninth Year of the Reign of King *Charles* the Second, Chapter Five, intituled *An Act for taking Affidavits in the Country, to be made use of in the Courts of King's Bench, Common Pleas, and Exchequer*, but such Commissions are not granted to Persons residing within Ten Miles of the City of *London*, except to the Clerks of the Judges of the said Courts: And whereas the Convenience of Suitors and Witnesses or Deponents would be much promoted, Expense saved, and the Business of the Courts expedited and facilitated, by authorizing a certain Number of Attorneys of the said Courts practising in different Parts of *London* and its Neighbourhood, and other fit and proper Persons, to administer Oaths in Proceedings in such Courts: Be it therefore 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:

Power to Judges to appoint Commissioners to administer Oaths within Ten Miles of London.

I. It shall be lawful for the Lord Chief Justice and other the Justices of the Court of Queen's Bench for the Time being, or any Two or more of them, (whereof the Lord Chief Justice for the Time being shall be One,) and the Lord Chief Justice of the Court of Common Pleas and the rest of the Justices there for the Time being, or any Two or more of them, (whereof the Lord Chief Justice of the same Court shall be One,) and the Lord Chief Baron and the other Barons of the Court of Exchequer for the Time being, or any Two or more of them, (whereof the Lord Chief Baron for the Time being shall be One,) by One or more Commission or Commissions under the several Seals of the said respective Courts, from Time to Time, as Need shall require, to appoint and empower as many Persons as they shall think fit and necessary, such Persons being Attorneys of the said Courts respectively, and practising within Ten Miles of *Serjeants Inn* Hall, or other fit and proper Persons, to administer Oaths, and take and receive all and every such Affidavit and Affidavits, Declarations or Affirmations, as any Person or Persons shall be willing and desirous to make before any of the Persons so empowered, in or concerning any Cause, Matter, or Thing depending or hereafter to be depending or anywise concerning any of the Proceedings in the said respective Courts: Provided always, that nothing in this Act contained shall in any way prejudice or affect the Power of the Judges of the said Courts respectively to issue Commissions to the Clerks of the Judges of the said Courts, as has been heretofore practised, and all such Commissions as last aforesaid, already or hereafter to be issued, shall and are hereby declared to be valid and effectual.

Style of Commissioners. Power to take Fees.

II. The Persons so appointed or empowered shall be styled "*London* Commissioners to administer Oaths in Common Law," and they shall be entitled to charge and take a Fee of One Shilling and Sixpence for every Oath administered by them, subject to any Order of the said Courts respectively varying or annulling the same.

Power to Judges to appoint Commissioners for the Isle of Man and the Channel Islands.

III. It shall also be lawful for the said Lord Chief Justices and Lord Chief Baron and the other Judges and Barons of the said Courts respectively from Time to Time to appoint and empower, in manner aforesaid, any Person or Persons duly admitted as Attorneys in any of the Superior Courts at *Westminster*, and other fit and proper Persons in the *Isle of Man* or in the *Channel Islands*, or any of them, to administer Oaths and take Declarations or Affirmations in the said Courts of Common Law, and such Persons shall be styled "Commissioners to administer

administer Oaths in Common Law for the *Isle of Man*," or "for the *Channel Islands*," (as the Case may be,) and they shall be entitled to charge and take the same Fees as the said *London* Commissioners.

Affidavits, &c. to be read and made use of as other Affidavits.

IV. All Affidavits, Declarations, or Affirmations taken or made before any Commissioner appointed or empowered as aforesaid shall be read and made use of in the said Courts respectively, to all Intents and Purposes, as other Affidavits, Declarations, or Affirmations taken or made in the said Courts now are; and all and every Person and Persons forswearing him, her, or themselves in such Affidavit or Affidavits, or falsely declaring or affirming in such Declarations or Affirmations, shall incur and be liable to the same Penalties, and be deemed guilty of Perjury, as if such Affidavit or Affidavits, Declarations or Affirmations, had been made or taken in open Court, and may be prosecuted for the same, where such Perjury was committed or where such Person or Persons shall be apprehended on such a Charge.

Provisions of 4W.&M.c.4. as to Bail in Error, and to Recognizances on the Revenue Side of the Exchequer, extended.

V. And whereas it is also desirable to extend the Provisions of an Act passed in the Fourth Year of the Reign of King *William* and Queen *Mary*, intituled *An Act for taking Special Bails in the Country upon Actions and Suits depending in the Courts of King's Bench, Common Pleas, and Exchequer at* Westminster, to the taking Bail in Error upon Proceedings commenced in the said Courts respectively, and to Proceedings on the Revenue Side of the Court of Exchequer: Be it therefore further enacted, That the said recited Act, and all and every the Provisions therein contained, and also all Commissions heretofore issued in pursuance thereof, and now in force, shall apply and extend to and authorize the taking of Bail in Error, and the Recognizances of Bail in Error, in all Actions and Suits commenced in either of the said Courts, in like Manner as in the Case of Special Bail in Actions and Suits depending in either of the said Courts, to all Intents and Purposes whatsoever; and the said Act, and all and every the Provisions therein contained, and also all Commissions heretofore issued in pursuance thereof under the Seal of the Court of Exchequer, shall also apply and extend to and authorize the taking of all Recognizances of every Kind, and all Bail as well in Error as otherwise, on the Revenue Side of the Court of Exchequer.

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