
A BILL

To make better provision for the taking of Affidavits to be used in the Supreme Court.

[MR. INNES;—22 January, 1874.]

- W**HEREAS it is expedient to make provision as hereinafter mentioned for the appointment of Commissioners for taking Affidavits 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:—
- 5
1. The Chief Justice of the Supreme Court for the time being shall have power by one or more Commission or Commissions under the seal of the said Court to authorize as many persons as he may think necessary to take and receive affidavits in New South Wales concerning any matter pending in the said Court or Courts And every person wilfully swearing or affirming falsely in any affidavit to be made before any person who shall be so authorized to take affidavits shall be deemed guilty of perjury and shall incur and be liable to the same pains and penalties as if such person had wilfully sworn or affirmed falsely in open Court in any judicial proceeding in the Supreme Court Provided that nothing herein shall be held to invalidate or require the renewal of any Commission already issued by the Chief Justice for taking affidavits in this Colony but the same are hereby confirmed and declared to be and to have been valid.
- 10
2. Every person authorized to act under any such Commission shall for taking every such affidavit receive the fee of one shilling and no more.
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3. This Act may be cited as the "Commissioners for Affidavits Act of 1874."
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- Preamble.
- Chief Justice to have power to appoint Commissioners for taking affidavits in New South Wales.
- Persons wilfully swearing falsely in affidavits guilty of perjury.
- Provision as to existing Commissions.
- Fee of one shilling to be paid for taking affidavit.
- Short title.

COMMISSIONERS FOR AFFIDAVITS BILL.

SCHEDULE of the Amendments made by the Legislative Assembly in the Bill intituled "An Act to make better provision for the taking of Affidavits to be used in the Supreme Court," returned to the Legislative Council with Message of 26 February, 1874, A.M.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

- Page 1, preamble, line 3. *After "Affidavits" insert "and for the confirmation of Commissions already issued"*
- „ clause 1, line 8. *Before "The" insert "All Justices of the Peace for the Territory shall have power to take and receive Affidavits in all matters pending in the Supreme Court or in any Court or Courts and"*
- „ clause 1, line 14. *Omit "in New South Wales"*
- „ „ lines 14 and 15. *Omit "pending in the said" insert "within the jurisdiction of any"*
- „ 2, clause 1, line 4. *After "by" omit "the" insert "any"*
- „ „ „ 5. *Omit "in this Colony"*
- „ „ 2, „ 7. *After "person" omit "authorized to act under any such Commission shall for taking every such affidavit receive the fee of one shilling and no more" insert "now authorized or who may hereafter be authorized to act under any such Commission shall receive for his own use such fees as are now or shall from time to time be fixed by Rule of the Supreme Court"*

CONFIDENTIAL FOR THE PRESIDENT

MEMORANDUM FOR THE PRESIDENT
SUBJECT: [Illegible]

[Illegible text]

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 29th January, 1874.* }

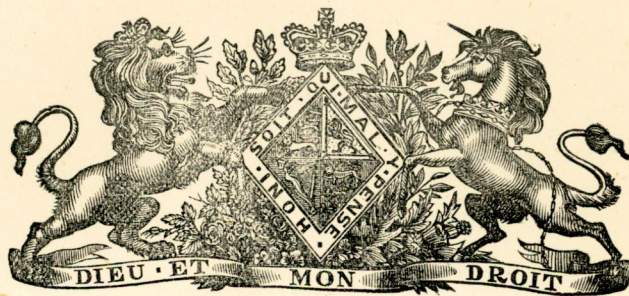
JOHN J. CALVERT,
Clerk of the Parliaments.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with Amendments.

*Legislative Assembly Chamber,
Sydney, 26 February, 1874, A.M.* }

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.



ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. .

An Act to make better provision for the taking of Affidavits to be used in the Supreme Court.

WHEREAS it is expedient to make provision as hereinafter Preamble.

mentioned for the appointment of Commissioners for taking Affidavits and for the confirmation of Commissions already issued 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:—

1. All Justices of the Peace for the Territory shall have power to take and receive Affidavits in all matters pending in the Supreme Court or in any Court or Courts and the Chief Justice of the Supreme Court for the time being shall have power by one or more Commission or Commissions under the seal of the said Court to authorize as many persons as he may think necessary to take and receive affidavits in New South Wales concerning any matter pending in the said within the jurisdiction of any Court or Courts And every person wilfully swearing or affirming falsely in any affidavit to be made before any person who shall be so authorized to take affidavits shall be deemed guilty of perjury and shall incur and be liable to the same pains and

Chief Justice to have power to appoint Commissioners for taking affidavits in New South Wales.

Persons wilfully swearing falsely in affidavits guilty of perjury.

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NOTE.—The words to be omitted are ruled through ; those to be inserted are printed in black letter.

Commissioners for Affidavits.

penalties as if such person had wilfully sworn or affirmed falsely in open Court in any judicial proceeding in the Supreme Court Provided Provision as to existing Commissions. that nothing herein shall be held to invalidate or require the renewal of any Commission already issued by the any Chief Justice for taking 5 affidavits in this Colony but the same are hereby confirmed and declared to be and to have been valid.

2. Every person ~~authorized to act under any such Commission shall for taking every such affidavit receive the fee of one shilling and no more~~ Fees of one shilling to be paid for taking affidavits. **now authorized or who may hereafter be authorized to act under 10 any such Commission shall receive for his own use such fees as are now or shall from time to time be fixed by Rule of the Supreme Court.**

3. This Act may be cited as the "Commissioners for Affidavits Short title. Act of 1874."

Sydney : Thomas Richards, Government Printer.—1874.

[3d.]

New South Wales.



ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. X.

An Act to make better provision for the taking of Affidavits to be used in the Supreme Court. [Assented to, 11th March, 1874.]

WHEREAS it is expedient to make provision as hereinafter mentioned for the appointment of Commissioners for taking Affidavits and for the confirmation of Commissions already issued 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:—

1. All Justices of the Peace for the Territory shall have power to take and receive Affidavits in all matters pending in the Supreme Court or in any Court or Courts and the Chief Justice of the Supreme Court for the time being shall have power by one or more Commission or Commissions under the seal of the said Court to authorize as many persons as he may think necessary to take and receive affidavits concerning any matter within the jurisdiction of any Court or Courts And every person wilfully swearing or affirming falsely in any affidavit to be made before any person who shall be so authorized to take affidavits shall be deemed guilty of perjury and shall incur and be liable

Preamble.

Chief Justice to have power to appoint Commissioners for taking affidavits.

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Commissioners for Affidavits.

Provision as to
existing Commissions.

liable to the same pains and penalties as if such person had wilfully sworn or affirmed falsely in open Court in any judicial proceeding in the Supreme Court Provided that nothing herein shall be held to invalidate or require the renewal of any Commission already issued by any Chief Justice for taking affidavits but the same are hereby confirmed and declared to be and to have been valid.

Fees to be paid for
taking affidavits.

2. Every person now authorized or who may hereafter be authorized to act under any such Commission shall receive for his own use such fees as are now or shall from time to time be fixed by Rule of the Supreme Court.

Short title.

3. This Act may be cited as the "Commissioners for Affidavits Act of 1874."

By Authority : THOMAS RICHARDS, Government Printer, Sydney, 1874.

[3d.]