

STATUTES OF CANADA, 1874.

Chapter 37 is entitled An Act for the suppression of voluntary and extra-judicial oaths. The preamble recites that "doubts had arisen whether or not such proceeding is illegal," i. e. the practice of administering and receiving oaths and affidavits voluntarily taken and made in matters not the subject of any judicial enquiry. But after the emphatic language of Draper, C. J., in *Jackson v. Kassel*, 26 U. C. Q. B. 345, it was rather superfluous to recite that the practice was of doubtful legality. The learned Chief Justice remarks, "There is a strong dictum in one of the late editions of Burn's Justice, that a magistrate taking an affidavit without authority is guilty of a misdemeanour. I have often called attention to this, and more often to the practice of Commissioners taking affidavits in matters not in the Court. There is a case reported, though I cannot put my hand on it, of a criminal information brought for this." Rather, then, may it be said that the reprehensible practice is one of undoubted illegality; but it was well for the Legislature to declare the law upon the subject so unmistakably that magistrates and others who are not wont to read the reports may be left without excuse, if they continue to break the law in this respect.

It would have been advisable if some provision had been made in this statute for the taking of affidavits as to death, heirship, and the like matters, involved in the investigation of titles. This is a simple and inexpensive way of verifying isolated facts which has long been used in this Province, and we trust the effect of the statute may not be to necessitate the institution of proceedings under the Act for Quieting Titles, when such evidence of the transmission of interest in lands is required. It would have been well, also, if it had been expressly mentioned in the Act that affidavits called for by the usual conditions of fire-insurance policies were not intended to be interfered with by this statute.

Chapter 38 is intended to regulate the law of libel and render it uniform throughout all portions of Canada. It makes very slight change in the law of this Province relating to indictments or informations for defamatory libels, chiefly in so far only as it increases the severity of the sentence. The whole of the Act, with the exception of sections 5, 11 and 13, may be found substantially, and almost literally, in the Consolidated Statutes of Upper Canada, chapter 103. The excepted sections provide that on a plea of justification being pleaded the truth of the matters charged may be inquired into, but shall not form a defence unless it was for the public benefit that the matters charged should be published. (This language is taken from the English statute 6 & 7 Vict. cap. 96, sec. 6.) Further, that the right of the Crown to set aside jurors till the panel is gone through shall not be allowed to a private prosecutor. Lastly, that as between private prosecutor and defendant, costs shall be recoverable either by warrant of distress or by suit on the bill of costs as for an ordinary debt.

Chapter 47 relates to bills of exchange and promissory notes. It provides for sending notice of protest by addressing the same to the party at the place where the note is dated, unless the party has designated another address under his signature. Provision is also made for giving validity to unstamped or insufficiently stamped notes, even pending suit thereon. If it appears that the holder took the same without knowledge of the defects, and in technical phrase "innocently," then he can cure the objections and render the instrument valid by affixing double stamps as soon as he is aware of the error or mistake. We do not see that much change is made in the law by this latter enactment. It leaves it pretty much as it was under the section of the former Act which it repeals. It extends the law in permitting to be cured certain