

Clause 38. Section 21.

*Clause 39.* New. This section is intended to remedy certain defects and omissions presently found in the *Demise of the Crown Act*. The provisions of the latter Act deal with matters similar to those dealt with in the present revision of the *Interpretation Act*, and it is considered desirable that, with the changes therein proposed by this section, they be incorporated in the present revision. This would permit the repeal of the present *Demise of the Crown Act*, which is provided for in clause 42(2).

*Clause 40.* The present section reads as follows:

"18. Judicial notice shall be taken of all public Acts of the Parliament of Canada without such Acts being specially pleaded."

This amendment is consequential to the dropping of section 13 of the *Interpretation Act*, which reads as follows:

"13. Every Act shall, unless by express provision it is declared to be a private Act, be deemed to be a public Act."

The foregoing provision was taken from the United Kingdom Interpretation Act of 1850. At that time judicial notice had to be taken of public Acts, but not private Acts. The sole purpose of the provision was to require private Acts to be judicially noticed. This was accomplished by the indirect device of deeming them public Acts. It is considered preferable to state the rule directly, and to deal with public and private Acts in one provision; the *Evidence Act* is the logical place for such a provision.