

was thought by some to give commissioners powers which they now possess under the Dominion Act. In a letter to your journal last May, I stated what seemed to be the effect of the Ontario Statute, namely that it enabled commissioners to take declarations under the various provincial statutes in force; but not to take declarations under the "Act respecting Extra-judicial Oaths." At the time of writing that letter, the Dominion Statute, above referred to, had been passed, so that it was not necessary to construe the Ontario Act to affect any declarations but those taken under Ontario Statutes.

It is noticeable that the amendment to the "Extra-judicial Oaths Act," contained in 53 Victoria, cap. 37, entitled, "An Act further to amend the Criminal Law," omits notaries public from the list of those authorized to take statutory declarations. The wording of the amending section (s. 41) reads: "Any Judge, Justice of the Peace, Police or Stipendary Magistrate, Recorder, Commissioner authorized to take affidavits to be used either in Provincial or Dominion Courts, or any other functionary authorized by law to administer an oath in any matter, may receive the solemn declaration," etc. The words "or any other functionary authorized by law to administer an oath" occurred in the statute as it stood before it was amended, and were held not to include a commissioner for taking affidavits.

Although it may be contended that inasmuch as a notary's powers are wider than those of a commissioner, the former is by implication included in the list of those who are authorized to take statutory declarations; still it seems by no means clear that a notary public may now take a statutory declaration. The amending section, then, ought itself to be amended by inserting "public notary" after "Justice of the Peace" in the first line.

J. E. J.

Toronto, March 12th, 1891.

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