

EXPLANATORY NOTES.

1. The present section 29A was enacted on June 12, 1942, and reads as follows:

"29A. (1) In this section

- (a) 'corporation' means the Bank of Canada, the Industrial Development Bank and any bank to which the *Bank Act* applies, or to which the *Quebec Savings Banks Act* applies, and each and every of the following carrying on business in Canada, namely, every railway, express, telegraph and telephone company (except a street railway and tramway company), insurance company or society, trust company and loan company (except a company subject to the provisions of Part II of *The Small Loans Act, 1939*);
 - (b) 'government' means the government of Canada or of any province of Canada and includes any department, commission, board or branch of any such government;
 - (c) 'photographic film' includes any photographic plate, microphotographic film and photostatic negative.
- (2) A print, whether enlarged or not, from any photographic film of,
 - (a) an entry in any book or record kept by any government or corporation and destroyed, lost, or delivered to a customer after such film was taken;
 - (b) any bill of exchange, promissory note, cheque, receipt, instrument or document held by any government or corporation and destroyed, lost or delivered to a customer after such film was taken;
 - (c) any record, document, plan, book or paper belonging to or deposited with any government or corporation;

shall be admissible in evidence in all cases in which and for all purposes for which the object photographed would have been received upon proof that

- (i) while such book, record, bill of exchange, promissory note, cheque, receipt, instrument or document, plan, book or paper was in the custody or control of the government or corporation, the photographic film was taken thereof in order to keep a permanent record thereof; and
 - (ii) the object photographed was subsequently destroyed by or in the presence of one or more of the employees of the government or corporation, or was lost or was delivered to a customer.
- (3) Proof of compliance with the conditions prescribed by this section may be given by any one or more of the employees of the government or corporation, having knowledge of the taking of the photographic film, of such destruction, loss, or delivery to a customer, or of the making of the print, as the case may be, either orally or by affidavit sworn in any part of Canada before any notary public.
 - (4) Unless the court otherwise orders, a notarial copy of any such affidavit shall be admissible in evidence in lieu of the original affidavit."

The affidavits showing compliance with the prescribed conditions are taken at the time the documents are destroyed. A photographic copy of the document, together with the original affidavit or a notarial copy thereof, is admissible in evidence. There is no good reason for requiring the original affidavit to be taken only before a notary public, and the danger exists that the affidavit will in some cases be taken before a commissioner for oaths and the documents destroyed. The purpose of the amendment is to permit the affidavit to be sworn before a notary or a commissioner.

2. The amendment is made retrospective so as to remove any doubt that affidavits that may have been sworn before a commissioner prior to the amendment are sufficient.

3. Part II of the Act is designed to amend the new Revised Statutes, which are now in press and are expected to appear during the present session.