

"(1) Such acknowledgement may be taken or oath administered without the province by,

(a) a commissioner appointed to take affidavits without the province for use in the courts of the province;

(b) a judge of any court of record;

(c) the mayor or recorder of any city or incorporated town;

(d) a notary public;

(e) a minister, consul, vice-consul or consular agent of His Majesty.

(2) Such acknowledgement may be taken or oath administered by one of the functionaries specified in this section residing at or near the place at which such acknowledgement is taken or oath administered . . ."

ONTARIO

S. 6 of the Commissioners for taking affidavits Act, R.S.O. 1937, C. 121, provides that the Lieutenant-Governor may by commission empower any person to take affidavits, etc., out of Ontario for use in Ontario Courts.

S. 38 of the Evidence Act, R.S.O. 1937, C. 119, provides that affidavits, etc., taken out of Ontario before any of the following shall be valid for all purposes:

Certain British officials;
A mayor or notary of any country;
A commissioner authorized by Ontario law to take such affidavits;
"in any foreign place, before any consul, vice-consul, or consular agent of His Majesty exercising his functions . . ."

S. 39 of the Evidence Act provides that any such document purporting to have affixed the seal and signature of any consul, etc., shall be admitted in evidence without proof of such seal and signature or of the official character of such person.

PRINCE EDWARD ISLAND

S. 5 of C. 2 of 1939 provides that the Lieutenant-Governor in Council may by commission empower anyone to take affidavits, etc., out of Prince Edward Island for use in Prince Edward Island.