

judgment was reversed by the Court of Review. The mis en cause appeals and as stated in his factum and at the argument before us, the sole and only question to be decided is whether or not the affidavit of the memorial of privilege could be validly sworn to before a notary, this affidavit having been made prior to the Act 7 Geo. V, ch. 52; art. 26 R. S. Q., [1909] says:—Unless otherwise specially provided, whenever an oath is ordered to be taken or received, such oath shall be received, and the certificate of its having been taken shall be given by any judge, magistrate or commissioner authorized for that purpose, having jurisdiction in the place where the oath is taken, or by any notary.

I am clearly of the opinion that the judgment of the Court of Review is right. The enumeration of a justice of the Peace or a commissioner of the Superior Court in the Act 59 Vict. ch. 42, s. 3 (C. C. art. 2103) does not specially provide that the authority to administer an oath is specially limited to these two officers, and unless otherwise provided, the oath may, by the provisions of the general law, art. 26 R. S. Q., [1909], above cited, be received by any notary. The holdings in the cases of *Fleury v. Dufresne*, (1) *The Massey Harris Co., v. Thompson & Thompson*; (2) *Mondoux v. Corp. de Yamaska*; (3) *Lapointe v. Berthiaume*; (4) support this view.

I would dismiss the appeal with costs and confirm the judgment of the Court of Review.

(1) [1905] 7 Q. P. R., 140. (2) [1909] 11 Q. P. R., 140.
(3) [1902] 22 C. S., 151. (4) [1904] 26 C. S., 36.