satisfied without having the affidavits read over in his presence. If an educated man says to him, 'I have read over this affidavit, to the truth of which I am going to swear, and all the statements are accurate,' that may in some cases be sufficient. But I confess I wish it were made more incumbent upon the commissioner in every case to go through the affidavit with the witness, and to refuse to take his oath until he was satisfied that the witness understood and intended every statement in it. A great deal of false swearing would be prevented if this were done."

This is the substance of remarks which have raised so much comment. Most of that comment has been adverse to the sense in which Mr. Justice Kay spoke. It cannot but be admitted that much of what is sworn in affidavits ought not to be sworn. On the other hand, it is absolutely impossible to throw upon the commissioners to administer oaths, while paid as they are at present paid, any more responsibility than they may at present have. In the case of an acknowledgment of a deed by a married woman the commissioner is required to satisfy himself that the married woman understands the deed which she acknowledges, and its exact effect upon her property, and the fee allowed by the rules is 13s. 4d., which is not more than sufficient for the time and labour. Again, when a solicitor has to satisfy himself that the grantor of a bill of sale understands the effect of the bill which he is executing, as to which see s. 10 (1) of the Bills of Sale Act, 1878 (41 & 42 Vict., c. 31), he charges considerably more than eighteenpence for his services. If the fee of eighteen pence only is to be paid for the duty which Mr. Justice Kay suggests—that is, the commissioner satisfying himself that the witness thoroughly understands the purport of his affidavit—then we may safely predict that no solicitor of any standing will undertake the onerous duties of a commissioner of oaths. The result will be that the duties, if performed at all, will be performed by a solicitor of lower standing and more needy position. This will certainly not conduce to greater regularity or to any more real observance of the oath. Besides, it must be remembered that in country towns there are often but two solicitors who are also commissioners. It will often happen that each of these two is engaged either for plaintiff or defendant in a case, and the affidavits of the defendant's witnesses will necessarily be sworn before the solicitor to the plaintiff. However honourable a man that practitioner may be, the process will be in effect reading his opponent's brief aloud to him, maybe before he has drawn his own. It is certainly a novelty to the Profession that commissioners should be fixed with any such duty as that suggested in *Bourke* v. *Davis*. Solicitors have had many new things at the hands of Mr. Justice Kay, but they have never had such a startling novelty as this. That a busy professional man should be called upon first, to understand himself, then, to make some ignorant, "oldest inhabitant" understand, the effect of an affidavit which extends perhaps to hundreds of folios, and should be asked to do this difficult and responsible work for the sum of eighteen pence, is a monstrous thing. And we, as at present advised, do not believe that there is any warrant in statutes or rules for Mr. Justice Kay's proposition. Certainly, on the principle that *Expressum facit cessare tacitum* it would be excluded. With all submissions to the learned Judge, we