

An Act respecting the appointment of Commissioners for taking affidavits and affirmations in the United Kingdom of Great Britain and Ireland, to be used in this Province.

WHEREAS it is desirable that the Governor in Council should be empowered to appoint Commissioners for taking Affidavits and Affirmations in the United Kingdom of Great Britain and Ireland to be used in this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The Governor in Council may, by one or more commission or commissions under his hand and seal, from time to time empower such and as many persons as he may think fit and necessary (such persons being practising Attornies of Her Majesty's Courts of Record at Westminster, or Writers to the Signet in Scotland, or Attornies of the four Courts in Dublin,) to administer oaths and take and receive Affidavits, Declarations and Affirmations in the United Kingdom of Great Britain and Ireland, in or concerning any cause, matter or thing depending, or in anywise concerning any of the proceeding to be had in the Courts of Queen's Bench and Common Pleas, the Superior Court, and the Court of Chancery, or any other Court at Law or Equity of Record in this Province, whether now existing or hereafter to be constituted; and every oath, affidavit, declaration or affirmation taken or made as aforesaid, shall be of the same force as if taken or made in the particular Court to which the same relates, or in which any such affidavit, declaration or affirmation is entitled or intended to be used.

Governor in Council may appoint Commissioners for taking affidavits in the United Kingdom to be used in Canada.

2. The oaths, affidavits, declarations and affirmations aforesaid, shall be of the same force as if taken or made in open Court, and shall be filed in the office of the Court in which the same are intended to be used, and may be read and made use of in the said Court as other affidavits or affirmations taken in such Court; and any person wilfully forswearing himself in any affidavit or making false declaration or affirmation make or taken before any of the Commissioners appointed under this Act, shall be liable to the same pains and penalties as if such affidavits, declarations or affirmations had been taken in open Court.

Legal effect of such affidavits.

Perjury.

3. Any affidavit or affirmation proving the execution of any Deed, Will, or Probate or Memorial thereof, for the purpose of registration in this Province, may be made before a Commissioner appointed under this Act.

They may be used for Registration.

4. The Commissioners so to be appointed shall be styled "Commissioners for taking Affidavits in and for the Canadian Courts."

Style of Commissioners.

5. No informality in the heading or other formal requisites to any affidavit, declaration or affirmation made, or taken before any Commissioner under this Act, shall be any objection to its reception in evidence if the Court or Judge before whom it is tendered shall think proper to receive it.

Informal headings, &c., not to invalidate.