

1927

c 109 Commissioners for Taking Affidavits Act

Ontario

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CHAPTER 109.

The Commissioners for Taking Affidavits Act.

1. In this Act,—

“County” shall include a provisional county and a provisional judicial district. R.S.O. 1914, c. 77, s. 2.

Interpretation.
“County.”

COMMISSIONERS WITHIN ONTARIO.

2.—(1) The judges of the Supreme Court or any two of them may issue, under the seal of the Court, commissions empowering such and so many persons as they think fit and necessary in every county to take and receive such affidavit as any person desires to make in or concerning any action, cause or matter depending in or in any wise concerning any of the proceedings in the courts of Ontario. R.S.O. 1914, c. 77, s. 3 (1).

Appointment of commissioners for taking affidavits in all courts.

(2) Where the judge of a county or district court of a county or district certifies in writing that having regard to public convenience, it is expedient that the clerk of any township in the county or district should be appointed a commissioner for taking affidavits under this Act, a commission shall be issued to such clerk as provided in subsection 1. 1923, c. 23, s. 2.

Clerk of township may be appointed commissioner.

(3) Every solicitor of the Supreme Court shall be *ex officio* a commissioner for taking affidavits in and for every county in Ontario. R.S.O. 1914, c. 77, s. 3 (2).

Solicitors to be *ex officio* commissioners.

(See also *The Interpretation Act, Rev. Stat. c. 1, s. 22.*)

3. The judges and the clerks of the county and district courts may take all affidavits required to be taken in their respective courts. R.S.O. 1914, c. 77, s. 4.

County and district courts.

4. Every commissioner for taking affidavits shall be deemed to be an officer of the Supreme Court. R.S.O. 1914, c. 77, s. 5.

Commissioner to be an officer of the court.

COMMISSIONERS OUT OF ONTARIO.

5.—(1) The Lieutenant-Governor may, by commission, empower such and so many persons as he thinks fit and necessary to administer oaths and to take affidavits without Ontario in or concerning actions, causes or matters depending in or in anywise concerning any proceeding to be had in any court in Ontario.

Appointment by Lieutenant-Governor of commissioners for taking affidavits without Ontario.

Style of commissioners.

(2) A commissioner so appointed shall be styled "A commissioner for taking affidavits in and for the courts in Ontario." R.S.O. 1914, c. 77, s. 7.

Appointment by judges of commissioners in any Province.

6. The judges of the Supreme Court or any two of them may issue under the seal of the Court commissions empowering such and so many persons as they think fit and necessary to administer oaths and to take affidavits in any Province or Territory in Canada, in or concerning actions, causes or matters depending in or in anywise concerning any proceeding to be had in any court in Ontario. R.S.O. 1914, c. 77, s. 8.

AUTHORITY OF COMMISSIONERS, ETC.

Extent of commissioner's authority.

7. Every commissioner may take any affidavit in anywise concerning any proceeding to be had in any court in Ontario, or before a judge of any such court, and in or concerning any application or matter made or pending before any judge of any court in Ontario which by any statute such judge is authorized to hear and determine, or in which he is authorized to make an order, although the application or matter be not made or depending in any court. R.S.O. 1914, c. 77, s. 9.

Commissioners may take statutory declarations.

8. Every commissioner shall have power to take declarations in all cases in which declarations may be taken, or may be required under any Act in force in Ontario. R.S.O. 1914, c. 77, s. 10.

REVOCAION OF COMMISSIONS.

Revocation of commission.

9. The judges of the Supreme Court or any two of them may revoke the commission of any commissioner whether the commission was issued by the judges of such Court, or of any court formerly authorized to issue commissions, and such revocation shall operate as a revocation for all purposes. R.S.O. 1914, c. 77, s. 11.

[See *The Registry Act, Rev. Stat. c. 155, and The Notaries Act, Rev. Stat. c. 195.*]

ADMINISTRATION OF THE OATH.

Deputy of Commissioner in administration of oath.

10. Every oath and statutory declaration shall be taken by the deponent in the presence of the commissioner, notary public, justice of the peace or other officer or person administering the oath or declaration who shall satisfy himself of the genuineness of the signature of the deponent or declarant and shall administer the oath or declaration in the manner required by law before he signs the jurat or declaration. 1926, c. 25, s. 3, *part*.

11. Every commissioner, notary public, justice of the peace or other officer or person administering an oath or declaration who signs a jurat or declaration without the due administration of the oath or declaration shall incur a penalty of not less than \$25 nor more than \$500 for each offence. 1926, c. 25, s. 3, *part*.

Penalty
for signing
jurat with-
out adminis-
tration of
oath.

12. Every one who in any action or proceeding or upon any application or other proceeding out of court, or for the purpose of making or maintaining any claim, files, registers or uses or in any other manner makes use of any oath, affidavit or statutory declaration knowing that the same has not been taken, sworn to or made in conformity with the provisions of section 10, shall incur a penalty of not less than \$25 nor more than \$500 for each offence. 1926, c. 25, s. 3, *part*.

Making use
of affidavit
improperly
sworn.

13. Upon the conviction of a commissioner for taking affidavits, a notary public or justice of the peace for an offence against this Act his commission or appointment may be cancelled or revoked by the constituting authority. 1926, c. 25, s. 3, *part*.

Forfeiture of
commission
or appoint-
ment.
