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c 77 Commissioners for Taking Affidavits Act

Ontario

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CHAPTER 77.

An Act respecting Commissioners for taking Affidavits.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Commissioners for taking Affidavits Act*. 9 Edw. VII. c. 44, s. 1.

Interpretation. **2.** In this Act,

"County." "County" shall include a Provisional County and a Provisional Judicial District. 9 Edw. VII. c. 44, s. 2.

COMMISSIONERS WITHIN ONTARIO.

Appointment of Commissioners for taking affidavits in all Courts. **3.**—(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.

Solicitors to be *ex-officio* commissioners. (2) Every Solicitor of the Supreme Court shall be *ex officio* a Commissioner for taking affidavits in and for every county in Ontario. 9 Edw. VII. c. 44, s. 3.

(See also *The Interpretation Act*, R.S.O. c. 1, s. 23 (3).)

County and District Courts. **4.** The Judges and the Clerks of the County and District Courts may take all affidavits required to be taken in their respective Courts. 9 Edw. VII. c. 44, s. 4.

Commissioner to be an officer of the Court. **5.** Every Commissioner for taking affidavits shall be deemed to be an officer of the Supreme Court. 9 Edw. VII. c. 44, s. 5.

Case of separation of counties. **6.** Where a union of counties is dissolved or a county is separated from a union of counties every Commissioner appointed for the union may exercise, within the county in which he resides at the time of the dissolution or separation or within the counties of the union which remain thereafter united and in either or which he so resides, the same powers as if he had received his commission or appointment for such county or remaining counties within which he so resides and

shall not have or exercise such powers under his commission otherwise or elsewhere. 9 Edw. VII. c. 44, s. 6.

COMMISSIONERS OUT OF ONTARIO.

7.—(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.

(2) A Commissioner so appointed shall be styled "A Commissioner for taking affidavits in and for the Courts in Ontario." 9 Edw. VII. c. 44, s. 7. Style of commissioners.

8. 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. 9 Edw. VII. c. 44, s. 8. Appointment by Judges of commissioners in any Province.

AUTHORITY OF COMMISSIONERS, ETC.

9. 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. 9 Edw. VII. c. 44, s. 9. Extent of commissioner's authority.

10. 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. 9 Edw. VII. c. 44, s. 10. Commissioners may take statutory declarations.

REVOCATION OF COMMISSIONS.

11. 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. 9 Edw. VII. c. 44, s. 11. Revocation of commission.

[See *The Registry Act, R.S.O. c. 124, and The Notaries Act, R.S.O. c. 160.*]