

A.D. 1880.



## CHAP. 1.

An Act respecting Affidavits, Declarations, and Affirmations made out of the Province of British Columbia for use therein.

[8th May, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows :—

1. The Lieutenant-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 to administer oaths, and take and receive affidavits, declarations and affirmations without the Province of British Columbia, in or concerning any cause matter or thing depending, or in anywise concerning, any of the proceedings to be had in the Supreme Court of British Columbia (or any other Court of 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 as valid and effectual, and shall be of the like force and effect to all intents and purposes as if such oath, affidavit, declaration or affirmation had been administered, taken, sworn, made or affirmed before a Commissioner for taking affidavits therein, or other competent authority of the like nature.

Lieutenant-Governor may appoint Commissioners for taking affidavits without the Province.

Effect of such affidavits, &c.

2. The Commissioners so to be appointed, shall be styled "Commissioners for taking affidavits in and for the Courts of British Columbia."

Style of Commissioners.

3. Oaths, affidavits, declarations or affirmations administered, sworn or affirmed, or made out of the Province of British Columbia before any Commissioner authorized to administer oaths in the Supreme Court of Judicature in England, or before a Judge of the Supreme Court of Judicature in England, or of the Court of Session, or the Justiciary Court in Scotland, or in the High Court of Chancery, or the Courts of Queen's Bench, Common Pleas, or Exchequer in Ireland, or before a Judge of any of the County Courts in Great Britain or Ireland within his county, or before any Notary

Affidavits, declarations, &c., to be used in the Province may be made before certain functionaries in the United Kingdom or foreign parts.

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Public certified under his hand and official seal, or before the Mayor or Chief Magistrate of any city, borough, or town corporate in Great Britain or Ireland, or in any Colony of Her Majesty without Canada, or in any foreign country, and certified under the common seal of such city, borough or town corporate, or before a Judge of any Court of Record, or of supreme jurisdiction in any Colony without Canada, belonging to the Crown of Great Britain or any dependency thereof, or in any foreign country, or if made in the British Possessions in India, before any Magistrate or Collector certified to have been such under the hand of the Governor of such Possession. or if made in Canada before any Judge, Prothonotary, or Clerk of a Court of Record in the Dominion of Canada, or in any Province thereof, or before any Stipendiary Magistrate in the Territories of Canada, or before any Consul, Vice-Consul, or Consular Agent of Her Majesty, exercising his functions in any foreign place for the purposes of and in or concerning any cause, matter or thing depending or in anywise concerning any of the proceedings to be had in the said Courts, shall be as valid and effectual, and shall be of like force and effect to all intents and purposes, as if such oath, affidavit, affirmation or declaration had been administered, sworn, affirmed or made in this Province before a Commissioner for taking affidavits therein, or other competent authority of the like nature.

Seal and signature to such documents need not be proved.

4. Any document purporting to have affixed, impressed or subscribed thereon or thereto the signature of any such Commissioner, or the signature and official seal of any such Notary Public or Prothonotary, or the seal of the Corporation and the signature of any such Mayor or Chief Magistrate, or Governor as aforesaid, or the seal and signature of any such Judge, Consul, Vice-Consul, or Consular Agent in testimony of any such oath, affidavit, affirmation or declaration having been administered, sworn, affirmed, or made by or before him, shall be admitted in evidence without proof of any such signature or seal and signature being the signature or the seal and signature of the person whose signature or seal and signature the same purports to be, or of the official character of such person.

The Commissioners, &c., may take affidavits in all matters pending before a Judge.

5. Every Commissioner heretofore or hereafter appointed in British Columbia, and every person now or hereafter authorized to take affidavits to be used in the said Court, shall have power to take and receive any affidavits and affirmations which any person desires to make in or concerning any application or matter made or depending before any Judge of any Court which by any statute now or hereafter in force in British Columbia, and within the legislative authority of the Province such Judge is authorized to hear and determine, or in which he is authorized to make any order, although such application be not made or pending in any Court.

6. Any affidavit, declaration, or affirmation which any person desires to make in or concerning any application, matter or thing, depending in the Land Registry Office under the provisions of any law now or hereafter in force in this Province relating to real estate therein, may be made before a Commissioner appointed under this Act, or other person authorized hereby to administer or take oaths, affidavits, declarations and affirmations.

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The Commissioners, &c.,  
may take oaths, &c., in  
all matters pending in  
the Land Registry Office.

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

Informal headings, &c.,  
not to invalidate.

8. The sum of ten dollars shall be charged for every such commission.

Fees for Commissioners.