

by the Prothonotary having custody thereof to the Prothonotary of the district where the Notary died, or ceased to practice.

whose custody they were, to the Prothonotary of the Superior Court in a District not including the place where such Notary died or resided when he ceased to practise, or practised next before he left the Province or became incapable of acting as a Notary, or was interdicted or removed from office, such Prothonotary shall, within three months after the passing of this Act, transmit all such Notarial Minutes, Repertories and Indexes and other Notarial documents and papers of any such Notary, to the Prothonotary of the Superior Court in the District including the place where such Notary died or resided when he ceased to practise, or practised next before he left the Province or became incapable of acting as a Notary, or was interdicted or removed from office.

Governor may appoint Commissioners in the United Kingdom, to receive affidavits to be used in L. C.

35. It shall be lawful for the Governor from time to time to nominate and appoint fit and proper persons resident in any part of Great Britain or Ireland as Commissioners to administer oaths and take affidavits to be used in any Court of civil jurisdiction in Lower Canada, and all affidavits taken by any such Commissioner shall be of the same value and effect, and the same credence shall be given thereto in all Courts of civil jurisdiction in Lower Canada, as is now given to affidavits taken before a Commissioner appointed by the Superior Court for Lower Canada or by any Judge thereof; Provided that no person but an Attorney or Solicitor practising in one of the Superior Courts of Great Britain or Ireland, and qualified by Law to act as Commissioner for similar purposes in Great Britain and Ireland, shall be appointed.

Proviso: qualification of Commissioner.

Provision for service of subpoenas and other documents in Upper Canada.

36. Whenever any subpoena or other process, opposition, judgment, order, rule, notice or proceedings emanating from the Superior or the Circuit Court, or from any Judge, or incident to any suit or action brought against any person residing in Upper Canada, under the provisions of the fifty-eighth section of *An Act further to amend the Judicature Acts of Lower Canada*, (22 V. (1858) c. 5,) in either of the said Courts, requires to be served upon any party or person residing or being at the time in Upper Canada, it shall be lawful for any Judge of the Superior Court, or for the Prothonotary of the Superior Court or Clerk of the Circuit Court at the place where the action is brought, to sign an order to be indorsed thereon in the following words, "this (*mentioning name of document*) may be served in Upper Canada, and is to be returned into this Court within days of service," and may thereby fix the period within which such process shall be returnable; and all the provisions of the said section shall otherwise apply to any such subpoena or other process, opposition, judgment, order, rule, notice or proceedings, in the same manner as they apply to Writs of Summons issued under the authority of that section.

Section 58 of 22 V. c. 5, to apply.