

possessed in Upper Canada, and which shall have been or shall be hereafter returned to the said Courts of Queen's Bench, or Common Pleas, or High Court of Chancery, in any such cause in which it or they shall have been so issued, and shall have been considered by any of the said Courts to afford good proper and sufficient evidence of the heirship of said Isabella Farrell, and right and title to said Real Estate in Upper Canada, which said Alexander Wood died possessed of, according to the Laws in that behalf, shall be deemed and taken to be in any Court of Law or Equity or any judicial proceeding in Upper Canada a Commission or Commissions issued in and for any cause, suit or proceeding, whatever, which may be hereafter had or commenced in any such Court of Law or Equity, or in any judicial proceeding, and in which proof of the heirship of said Isabella Farrell or her right or title to inherit the real property of which said Alexander Wood died possessed in Upper Canada shall be required in the same manner and with the same effect as if the same had been issued returned and opened in the particular cause suit or proceeding in which it or they may be so required or used as aforesaid: Provided always, that before any such Commission or Commissions shall be received in evidence in any other cause suit or judicial proceeding than that in which they shall have been or shall be taken, a certificate shall be obtained and produced, from the Judge before whom the cause was tried in which such Commission or Commissions shall have been or shall be opened, that such Commission or Commissions afforded due and sufficient evidence that the said Isabella Farrell was and is Heir-at-Law of the said Alexander Wood.

Proviso.

Defendant may obtain the issue of a new Commission, &c.

II. And be it enacted that it shall and may be lawful for any defendent or defendants in any action or actions in any Court of Law or Equity, or any judicial proceeding in Upper Canada, in which it may be necessary to give evidence of the heirship of the said Isabella Farrell to the said Alexander Wood deceased to apply to the said Court in which such action may be brought upon affidavit shewing good cause for the same of any matter tending to invalidate the claim of the said Isabella Farrell to inherit any of said Real Estate, for a Commission or Commissions to examine Witnesses in reference thereto; and upon such Commission or Commissions being granted to the said defendent or defendants, no proceedings shall be had under the first section of this Act upon any Commission or Commissions taken and returned as therein mentioned, but such action or actions shall proceed as if this Act had never been in force: Provided always, that such defendent or defendants shall proceed upon the order granting any such Commission or Commissions within one month after such order shall be made.

Proviso.