

be devised, charged or affected, and such will shall have been  
 duly proved in any Court having the proof and issuing probate  
 of wills in any of such possessions, and shall remain filed  
 in such Court, the production of the Probate of such will or a  
 5 certificate of the Judge, Registrar or Clerk of such Court, that  
 the original is filed and remains in such Court, and purports to  
 have been executed before two witnesses, shall be sufficient  
*prima facie* evidence in any Court of Law or Equity in Upper  
 Canada, in any proceeding concerning such Real Estate, of  
 10 such Will and of the same having been executed so as to  
 pass Real Estate, without the production of the original Will :  
 Provided always, that notice of the intention to use such  
 Probate or Certificate in the place of the original will, shall be  
 given to the opposite party in any such proceeding one month  
 15 before the same shall be so used : And provided also, that such  
 Probate or Certificate shall not be used if, upon cause shewn  
 before any such Court of Law or Equity, or any Judge  
 thereof, such Court or Judge shall find any reason to doubt  
 the sufficiency of the execution of such Will to pass such  
 20 Real Estate as aforesaid, and shall make a rule or order dis-  
 allowing the production of such Probate.

be received in  
evidence.

Proviso : notice  
to be given.

Proviso : if the  
Judge see cause  
to doubt suffi-  
ciency of exe-  
cution.

VI. And be it enacted, That the production of the certificate  
 in the next preceding section mentioned, shall be sufficient  
*prima facie* evidence of the facts therein stated, and of the  
 25 authority of the Judge, Registrar or Clerk without any proof of  
 his appointment, authority or signature.

Certificate to be  
*prima facie*  
evidence of facts  
therein stated.

VII. And be it enacted, That whenever any action or other  
 legal proceeding shall henceforth be pending in any of the  
 Superior Courts, or in any County Court in Upper Canada,  
 30 such Court and each of the Judges thereof, in vacation, may  
 respectively, on application made for such purpose by either of  
 the litigants, compel the opposite party to allow the party  
 making the application, to inspect all documents in the custody  
 or under the control of such opposite party relating to such  
 35 action or other legal proceeding, and if necessary, to take  
 examined copies of the same, in all cases in which previous to  
 the passing of this Act, a discovery might have been obtained  
 by filing a Bill, or by any other proceeding in a Court of Equity  
 at the instance of the party so making application as aforesaid  
 40 to the said Court or Judge : Provided also that such applica-  
 tion may be made to and granted by a Judge of a County  
 Court in suits depending in the said Superior Courts, in the  
 same manner and under such circumstances as is provided for  
 similar applications in the said Courts, by the thirty-fifth  
 45 section of the Act passed in the twelfth year of Her Majesty's  
 Reign, intituled, *An Act to make further provision for the ad-  
 ministration of Justice by the establishment of an additional  
 Superior Court of Common Law, and also a Court of Error  
 and Appeal in Upper Canada, and for other purposes.*

Judge may  
compel a party  
to allow oppo-  
site party to  
inspect docu-  
ments, &c.

Proviso.

Act 12 V. c. 63.