

BILLS BEFORE THE LEGISLATURE.

An Act respecting the appointment of Commissioners for taking affidavits and affirmations in the United Kingdom of Great Britain and Ireland, to be used in this Province.

(Introduced by John Crawford, Esq., M.P.P.)

WHEREAS it is desirable that the Governor in Council should be empowered to appoint Commissioners for taking affidavits and Affirmations in the United Kingdom of Great Britain and Ireland to be used in this Province: Therefore Her Majesty, &c., enacts as follows:

1. The 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 (such persons being practising Attorneys of Her Majesty's Courts of Record at Westminster, or Writers to the Signet in Scotland, or Attornies of the Four Courts in Dublin,) to administer oaths and take and receive Affidavits, Declarations and Affirmations in the United Kingdom of Great Britain and Ireland, in or concerning any cause, matter or thing depending, or in any wise concerning any of the proceedings to be had in the Courts of Queen's Bench and Common Pleas, the Superior Court, and the Court of Chancery, or any other Court at 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 of the same force as if taken or made in the particular Court to which the same relates, or in which any such affidavit, declaration or affirmation is entitled or intended to be used.

2. The oaths, affidavits, declarations and affirmations aforesaid, shall be of the same force as if taken or made in open Court, and shall be filed in the office of the Court in which the same are intended to be used, and may be read and made use of in the said Court as other affidavits or affirmations taken in such Court; and any person wilfully forswearing himself in any affidavit or making false declaration or affirmation made or taken before any of the Commissioners appointed under this Act, shall be liable to the same pains and penalties as if such affidavits, declarations or affirmations had been taken in open Court.

3. Any affidavit or affirmation proving the execution of any Deed, Will or Probate or Memorial thereof, for the purpose of registration in this Province, may be made before a Commissioner appointed under this Act.

4. The Commissioners so to be appointed shall be styled "Commissioners for taking affidavits in and for the Canadian Courts."

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

An Act respecting the Court of Error and Appeal in Upper Canada.

(Introduced by Hon. J. A. Macdonald, M.P.P.)

Her Majesty, &c., enacts as follows:

1. The Presiding Judge of the Court of Error and Appeal in Upper Canada, whenever appointed as such by commission under the great seal, according to the provisions of the Act passed in the twenty-fourth year of Her Majesty's reign, chaptered thirty-six,

shall have rank and precedence over all the other Judges of Her Majesty's Courts of law and equity in Upper Canada.

2. The said Presiding Judge appointed by commission under the great seal as aforesaid, previous to entering upon the duties of his office, shall take the following oath before the Governor in Council:

OATH.

I, ———, do solemnly and sincerely promise and swear that I will, duly and faithfully, to the best of my skill and knowledge, execute the powers and trusts reposed on me as the Presiding Judge of the Court of Error and Appeal in Upper Canada. So help me God.

3. Any retired Judge heretofore or hereafter appointed the Presiding Judge as aforesaid, who shall hold a patent for an annuity of two-thirds of the salary annexed to the office from which he had retired, shall be entitled in addition to the same, to receive yearly from and out of the Consolidated Revenue Fund of this Province, a sum equal to one-third of the amount of his annuity, which additional sum shall be paid in the same manner and at the same time as such annuity.

4. The sixth section of the thirteenth chapter of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor, that is to say:

"Five Members of the Court shall be necessary to constitute a quorum."

5. The eighth section of the Act in the next preceding section mentioned is hereby repealed, and the following substituted, that is to say:—

"The Court of Error and Appeal shall hold its sittings at the City of Toronto, on the fourth Thursday next after the several Terms of Hilary, Easter and Michaelmas, and may adjourn from time to time and meet again at the time fixed on the adjournment for the transaction of business.

An Act to render Wills made in conformity with the laws of either Upper or Lower Canada, effectual to pass Real Estate in the other section of the Province.

(Introduced by A. Morris, Esq., M.P.P.)

WHEREAS, owing to the intimacy of the subsisting relations between Upper and Lower Canada, persons domiciled or temporarily resident in one section of the Province, frequently die possessed of Real Estate in the other section, and greater facilities ought to be afforded for the easier transmission of such property by Will, and a remedy ought to be provided for inconveniences that are of frequent occurrence, arising from the absence of such provisions:

Therefore, Her Majesty, &c., enacts as follows:

1. In case of the death of any person in either Upper or Lower Canada, after the passing of this Act, having regularly and legally made a Will according to the forms and solemnities required to pass Real Estate, (*immeubles*) by the law of that section of the Province in which the Will is made, such Will shall be held and taken to be, and shall be effectual and sufficient to pass Real Estate (*immeubles*) situate in the other section of the Province, in accordance with the true intent and meaning of such Will.

2. Wills made and executed in Lower Canada, in the customary manner, may be registered in Upper Canada in the same manner that other Wills made and executed or published out of Lower Canada, may be registered; and a notarial or other authentic copy of such Will, shall, for the purpose of registration thereof, have the same force and effect that a probate of Will now has.