



No. 241.

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2nd Session, 5th Parliament, 19 Victoria, 1856.

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**B I L L .**

**An Act to authorize the Judges of the Superior Court for Lower Canada to appoint Commissioners for taking Affidavits in Upper Canada.**

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Received and read first time, Wednesday 30th April, 1856.

Second reading, Friday, 2nd May, 1856.

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**Hon. Mr. Atty. Genl. DRUMMOND.**

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**S. Derbishire & G. Desbarats, Queen's Printer.**

An Act to authorize the Judges of the Superior Court for Lower Canada to appoint Commissioners for taking Affidavits in Upper Canada.

**W**HEREAS it is desirable that the Judges of the Superior Court for Lower Canada, should have power to appoint Commissioners for taking Affidavits in Upper Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. It shall be lawful for the Chief Justice and any one of the Justices of the Superior Court for Lower Canada for the time being, or in the event of the death or absence from the Province of the Chief Justice for the time being, for any two of the Justices of the said Court for the time being, by one or more commission or commissions under the seal of the said Court, from time to time to empower as many persons as they shall think fit and necessary in Upper Canada, to take and receive all and every such affidavit or affidavits as any person or persons shall be willing and desirous to make before any of the persons so empowered, in or concerning any cause, matter or thing depending, or hereafter to be depending, or in any wise concerning any of the proceedings to be had in the said Court, or in any other Court of Law of Record in Lower Canada ; which said affidavits taken as aforesaid shall be filed in the Office of the said Courts respectively, in the District or County to which the subject matter of such affidavit may relate and be made use of in the said Courts respectively, to all intents and purposes as other affidavits taken in the said Courts respectively ought to be ; and that every affidavit taken as aforesaid, shall be of the same force as an affidavit taken in the said Courts respectively shall and may be.

II. Proof of the execution of any deed, will or probate thereof or memorial of the same in Upper Canada, may for purposes of registration in Lower Canada, be made before any of the Commissioners to be appointed under the authority of this Act, in the same manner as such proof may now by law be made in Lower Canada.

Preamble.

Certain Judges in L. C. may appoint Commissioners to take affidavits in U. C.

And to receive proof of execution of deeds &c.