

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 168

An Act to afford Relief to the Estate of the late Alexander Wood. 30th August, 1851.

Whereas the Honorable George Crookshank, as Attorney for Isabella Farrell, of Woodburnden, in the County of Kincardine, in that part of the United Kingdom of Great Britain and Ireland called Scotland, Widow, has, by petition, set forth, that Alexander Wood, formerly of Woodburnden aforesaid, Esquire, and who resided in the City of Toronto, Upper Canada, for many years previous to the year of Our Lord one thousand eight hundred and forty-two, died at Woodcot, near Stonehaven, in Scotland aforesaid, on or about the Eleventh day of September, in the Year of Our Lord one thousand eight hundred and forty-four, intestate, and that the said Isabella Farrell claims to be the Heir-at-Law of the said Alexander Wood, and as such entitled to the Real Estate left by the said Alexander Wood in Scotland and in Upper Canada, and that all the witnesses to prove such Heirship reside in Scotland aforesaid, and that for realizing said Estate in Upper Canada, it is necessary that a number of Suits at Law and in Equity shall be brought, in which proof of the Heirship of the said Isabella Farrell to the said Alexander Wood will be required; And whereas by Law it is necessary that a Commission for the proof of such Heirship shall be issued in every such Action or Suit, which will occasion serious expense and delay which it is desirable to prevent: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any Commission or Commissions which may have issued, or may hereafter issue, in any cause now depending or hereafter to be brought in Her Majesty's Court of Queen's Bench or Common Pleas, or Her Majesty's High Court of Chancery in and for that part of Canada heretofore Upper Canada, for the examination of Witnesses for the proof of the Heirship of the said Isabella Farrell to the said Alexander Wood, deceased, and her consequent right to inherit the Real Estate of which said Alexander Wood died 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 the 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 maybe 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.

II. And be it enacted, That it shall and may be lawful for any defendant 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 any 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 defendant 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 defendant or defendants shall proceed upon the Order granting any such Commission or Commissions within one month after such Order shall be made.