

How any witness or party may be examined in such other District.

Serment décisoire, or other Oath which may be legally required of any party ; 2
and the examination may, in the discretion of the Court, be had in the usual manner as 4
if the witness or party examined had appeared at the place where the case is pending, or upon written interrogatories and 6
cross interrogatories ; and the Court may, in its discretion, order the record or any portion thereof to be transmitted to the place 10
where the *enquête* or examination is to be taken, but no Commission or formality 12
other than the order of the Court shall be requisite, and such order (and the other 14
documents if any) shall be transmitted to the Prothonotary of the Superior Court or 16
Clerk of the Circuit Court (as the case may be) at the place where the *enquête* or 18
examination is to be had, and such Prothonotary or Clerk may thereupon issue 20
the proper process to compel the attendance of any witness or party to be examined in 22
the case, at the place named in such order and on any *enquête* day at such place, or on 24
any day (to be appointed by the *Commissaire Enquêteur*) on which a *Commissaire* 26
Enquêteur will be present at such place.

Not to prevent the issuing of Commission *Rogatoire*, &c.

XXXI. And be it enacted, That nothing 28
in next preceding section shall be construed to prevent the said Superior Court from 30
issuing any *Commission Rogatoire*, or Commission in the nature of a *Commission* 32
Rogatoire, addressed to any Commissioner or Commissioners at any place out of Lower 34
Canada, or at any place within Lower Canada, if from the circumstances of the case, 36
the Court shall think the ends of Justice will be better attained by such Commission 38
than by such order as in the next preceding section is mentioned. 40

Court to have jurisdiction in certain special cases : *capias* :

XXXII. Provided always, and be it enacted, That the Superior Court shall have original cognizance of, hear, try and determine, in due course of law, any suit or action in 42
which a writ of *capias ad respondendum*, shall be sued out, or (until legislative pro- 46