

and may be lawful to and for any of Her Majesty's County Courts or for any Judge thereof, in vacation, upon hearing the parties upon the motion of such plaintiff or defendant, to issue one or more Commissions under the seal of any such County Court  
 5 to one or more Commissioners to take the examination of such person, due notice being given to the adverse party to the end that he may cause such witnesses to be cross-examined.

VI. In case of Witnesses residing without the limits of Upper Canada, such Commission or Commissions with the  
 10 examination of the witness or witnesses taken pursuant thereto returned to such County Court with an affidavit of the due taking thereof thereto annexed sworn before and certified by the Mayor or Chief Magistrate of the City or place where the same shall or may be taken close under the hand and seal of  
 15 hands and seals of one or more such Commissioners shall be taken *prima facie* to have been duly executed and returned and shall be received as evidence in the said cause: Provided  
 20 deponents respectively shall be living within Upper Canada, and of sound mind, memory and understanding at the time such examination or examinations shall be offered to be given in evidence; and provided it is made to appear to the Court before  
 25 the same has or have not been duly taken.

Provision in case the witness be not in Upper Canada.

Proviso.

VII. The several County Courts in Upper Canada may issue writs of *subpœna ad testificandum* to enforce and secure the attendance of witnesses resident within Upper Canada, and also writs of *subpœna duces tecum* to enforce the attendance of  
 30 witnesses and the production of deeds and papers, and may proceed against persons who having been duly served with a subpœna shall disregard or disobey the same with the same powers, in like manner, and by the same mode of proceeding as belongs to and as is practised in the Superior Courts of Com-  
 35 mon Law at Toronto; Provided always that every witness shall be entitled to the same allowance as if attending under subpœna from either of the said Superior Courts.

Power of County Courts to summon and enforce attendance of witnesses, and the production of papers, &c.

Proviso.

VIII. It shall be lawful for the Judges of the Superior Courts of Common Law at Toronto, or any three of them (of whom one  
 40 of the Chief Justices shall be one,) and they are hereby required to frame a table of costs for the several County Courts in Upper Canada, and from time to time to ascertain, determine, declare and adjudge all and singular the fees which shall and may be  
 45 allowed to be taken by Counsel and Attorney respectively in respect of any business to be hereafter done or transacted in the said County Courts, as well in all matters, causes and proceedings depending in the said Courts as before the Judges thereof, in all actions and proceedings within the jurisdiction of such County Courts or of the Judges thereof; and the costs and fees

Judges of Superior Courts to make a tariff of fees for the County Courts.