

BILL.

An Act to provide for taking Evidence in Canada in relation to civil and commercial matters pending before Courts of Justice in any of Her Majesty's Dominions or before Foreign Tribunals.

WHEREAS it is expedient that facilities be afforded for taking evidence in Canada, in relation to civil and commercial matters pending before Courts of Justice in any of Her Majesty's Dominions or before Foreign Tribunals; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Where upon an application for that purpose it is made to appear to any Court or Judge having authority under this Act that any Court or Tribunal of competent jurisdiction, in any of Her Majesty's Dominions, or in any foreign country, before which any civil or commercial matter is pending is desirous of obtaining the testimony in relation to such matter of any witness or witnesses within the jurisdiction of such first mentioned Court, or of the Court to which such Judge belongs, or of such Judge, it shall be lawful for such Court or Judge to order the examination upon oath, upon interrogatories, or otherwise, before any person or persons named in such order of such witness or witnesses accordingly, and by the same or any subsequent order to command the attendance of such witness or witnesses for the purpose of being examined, and for the production of any writings or other documents to be mentioned in such order, and of any other writings or documents relating to the matter in question that may be in the possession or power of such witness or witnesses.

Preamble.

Order for examination in Canada of witnesses in relation to any civil or commercial matter pending before British or foreign tribunals.

2. Upon the service upon such witness or witnesses of such order and of an appointment of a time and place for the examination of such witness or witnesses, signed by the person named in such order for taking the same, or if more than one person be named then by one of the persons named, and upon payment or tender of the like conduct money as is properly payable as upon attendance at a trial, such order may be enforced in like manner as an order made by such Court or Judge in a cause depending in such Court or before such Judge.

When served &c., in what manner to be enforced.

3. Every person whose attendance shall be required in manner aforesaid shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial.

Conduct money and payment for expenses.

4. Any person examined under any order made under this Act shall have the like right to refuse to answer questions tending to criminate himself, and other questions which a witness in any cause pending in the Court by which, or by a Judge whereof, such order is made, would be entitled to, and no person shall be compelled to produce under any such an order any writing or other document that he could not be compelled to produce at a trial of such a cause.

Witnesses to have right of refusal to answer questions and produce documents.

5. It shall be lawful for any person authorized to take the examination of witnesses by any order made in pursuance of this Act to take

Examination to be upon oath.