

sworn in Canada before the Trustee, or before any Guardian, Judge, Notary Public, Commissioner for taking affidavits, or Justice of the Peace, and out of Canada before any Judge of a Court of Record, any Commissioner for taking affidavits appointed by any Canadian Court, any Notary Public, the chief municipal officer of any town or city, or any British Counsel or Vice-Counsel, or before any person authorized by any Statute of the Dominion or of any Province thereof, to take affidavits to be used in any Court of Justice in any part of the Dominion.

67. The Court or Judge shall have the same power and authority in respect of the issuing and dealing with commissions for the examination of witnesses as are possessed by the ordinary Courts of Record in the province in which the proceedings are being carried on; and may order a writ of *subpœna ad testificandum* or of *subpœna duces tecum* to issue, commanding the attendance as a witness, or for examination under the provisions of this Act, of any person within the limits of Canada. And all rules, writs of *subpœna*, orders and warrants, issued by any Court or Judge in any matter or proceeding under this Act, may be validly served in any part of Canada upon any party affected or to be affected thereby; and the service of them or any of them may be validly made in such manner as is now prescribed for similar services in the province within which the service is made: and the person charged with such service shall make his return thereof under oath, or, if a Sheriff or Bailiff in the Province of Quebec, may make such return under his oath of office.

68. In case any person so served with a writ of *subpœna* or with an order to appear for examination, does not appear according to the exigency of such writ or order, the Court or the Judge on whose order or within the limits of whose territorial jurisdiction the same is issued, upon proof made of the service thereof, and of such default, may, if the person served therewith has his domicile within the limits of the Province within which such writ or order issued, constrain such person to appear and testify, and punish him for non-appearance, or for not testifying in the same manner as if such person had been summoned as a witness before such Court or Judge in an ordinary suit; but subject to the same excuses, defences or justification for not appearing under such writ, as in cases before the ordinary Courts; and if the person so served, and making default has his domicile beyond the limits of the province within which such writ or order issued, such Court or Judge may transmit a certificate of such default to any of Her Majesty's Superior Courts of Law or Equity in that part of Canada in which the person so served resides, and the Court to which such certificate is sent shall thereupon proceed against and punish such person so having made default in such manner as it might have done if such