

Court house where the cause is to be adjudged. And that such Commissions shall or may be obtained and issue and be executed, and have the like effect as directed by Law, respecting Commissions for examinations in remote places.

II. And for as much as the Judges of the Common Pleas are in the practice of making frequent Tournées or Cirkuits in their Counties for the trial of small causes not exceeding Ten Pounds Sterling, and the examinations so to be taken by Commission, may be sometimes conveniently executed by a single Judge of the Court where the cause is triable. Be it further ordained by the same authority, that the examinations, when taken before a single Judge of the Court in which the action is pending, after the manner and in the cases for which a Commission might have been issued for examining Witnesses within the County, but thirty miles from the Court-house thereof, shall be as valid in the Law, as if taken by Commission or before two Judges in open Court. And that such remedy as the Law permits or may require, for compelling the attendance of Witnesses before the Court of Common Pleas in open Court, may be taken for compelling their attendances on the examinations hereby allowed to be taken, whether before Commissioners or before a single Judge, any thing in any former Law, Usage or Custom to the contrary notwithstanding.

III. Provided always, and be it also ordained by the same authority, that nothing herein contained shall be construed to authorize any one Judge to take such Examinations on the Circuit, who may not be competent to have cognizance of the cause, and to hear and adjudge in the same, in open Court, nor to authorize the giving in Evidence to a Jury, the depositions taken by Commission within the County, where the trial by Jury, shall be had, without the consent of both Parties entered upon the Minutes of the Court.

IV. And provided also, and be it further ordained by the same authority, that the fine upon a Witness for his default, in not attending to give Testimony, shall be at the discretion of the Court where the cause is pending, and shall not exceed the sum of Ten Pounds Currency, and that the Court setting such fine, shall have authority to compel the Payment thereof by Process to any place in the Province, tho' the same be not within the District or County where it sits, whether such default or contempt be to the Court, or to Commissioners, or a single Judge in manner afore-mentioned. And the same Process shall be executed in any District by the Officers therein as the Process of the Court thereof may be; but as the Court issuing the same shall command, which fines so recovered shall be paid to the Receiver General for the use of the Crown, and without detriment to the right of a party injured by the default of a Witness to his remedy by private action at Law.

ALURED CLARKE.

Enacted and Ordained by the authority aforesaid, and passed in Council under the Great Seal of the Province, at the Council-chamber in the castle of St. Lewis, in the city of Quebec, the Twenty-fourth day of February, in the Thirty-second Year of the Reign of our Sovereign Lord GEORGE the Third, by the grace of God of Great-Britain, France and Ireland King, defender of the Faith, and so forth, and in the Year of our LORD One thousand seven hundred and ninety-two.

C A P. III. AN ORDINANCE

For suspending the Sessions of the Court of King's Bench at Montreal, and to facilitate the Proceedings in Appeal Causes.

[Expired.]

F I N I S.