

No. 99.

3d Session, 3d Parliament, 13 Victoria, 1850.

B I L L .

An Act to authorize and enforce the attendance of witnesses in civil cases, from any part of this Province, before the Courts of Superior Jurisdiction.

Received and Read a first time, Monday, 17th
June, 1850.

Second Reading, Monday, 24th June, 1850.

MR. SHERWOOD, (Brockville.)

BILL.

An Act to authorize and enforce the attendance of witnesses in civil cases, from any part of this Province, before the Courts of Superior Jurisdiction.

WHEREAS it is necessary to provide for the attendance of witnesses in civil cases upon *Subpœnas* issued from any Courts in this Province having Superior Jurisdiction: Be it enacted, &c. Preamble.

- 5 That if any witness or witnesses in any civil case cognizable in the Court of Queen's Bench, Common Pleas, or before any Justices of Assize in Upper Canada, or before the Superior Court in Lower Canada, shall reside in any part of this Province without the jurisdiction of
- 10 the Court of Queen's Bench, Common Pleas, or of the Justices of Assize or Superior Court, before which or whom such civil case is or shall be cognizable, it shall be lawful for the Court of Queen's Bench, Common Pleas, Justices of Assize or Superior Court, before which or
- 15 whom such civil case shall be cognizable, to issue a writ or writs of *Subpœna* directed to such witness or witnesses in like manner as if such witness or witnesses were resident within the jurisdiction of such Court of Queen's Bench, Common Pleas, Justices of Assize or Superior
- 20 Court, and in case such witness or witnesses shall not obey such writ or writs of *Subpœna*, it shall be lawful for such Court of Queen's Bench, Common Pleas, Justices of Assize or Superior Court, issuing such writ or writs of *Subpœna*, to proceed thereupon against such
- 25 witness or witnesses for contempt or otherwise, in like manner as if such witness or witnesses were resident within the jurisdiction of such Court of Queen's Bench, Common Pleas, Justices of Assize or Superior Court, any law, usage or custom to the contrary thereof, in any wise
- 30 notwithstanding.
- Subpœnas* from certain Courts to run over the whole Province.
- Punishment of witnesses not attending.

II. And be it enacted, That the fees usually allowed in the Court out of which such writ or writs of *Subpœna* may be issued, shall be allowed to such witness or witnesses as may be subpœnaed under the provisions of this

35 Act. Allowance to witnesses.