

CHAP. IV.

AN ACT to enable Suitors in the District Courts to procure the attendance of Witnesses from any District in this Province, and to authorize certain persons therein named to take affidavits in the said District Courts.

[Passed 16th April, 1835.]

WHEREAS the want of means of compelling the attendance upon any trial in a District Court, of a Witness resident within another District than that in which such trial is to take place, is prejudicial to the interests of Suitors, and frequently occasions the institution in the Court of King's Bench of actions which in their nature are of the proper cognizance of the District Court, thereby subjecting the parties to delay and expense beyond what would otherwise be necessary: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act it shall be lawful for the Clerk of the Crown and Pleas, or for his Deputy in any of the respective Districts of this Province, in which a witness or witnesses residing or living within another District is required to attend upon the trial of a cause in the District Court, to issue a Subpœna commanding the attendance of such witness or witnesses at the time and place required, which Subpœna shall be issued upon a proper præcipe being filed for that purpose, and shall be under the Seal of the Court of King's Bench, and shall bear teste in the same manner as Writs of Subpœna to be issued in causes instituted in the Court of King's Bench.

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Subpœnas to Witnesses in other Districts, may be issued from the Crown Office.

Liability of Witnesses for non-attendance.

II. *And be it further enacted by the authority aforesaid*, That any Witness failing to attend in obedience to such Subpœna shall be subject to the same penalties and remedies by action or by attachment for contempt of the Court of King's Bench, as in case of wilful disobedience of a writ of Subpœna requiring the attendance of a Witness in a suit depending in that Court.

III. *And be it further enacted by the authority aforesaid,* That all Affidavits in any cause pending, or hereafter to be brought in any District Court in this Province, may be taken before any Commissioner appointed for taking Affidavits in His Majesty's Court of Kings Bench in this Province, as well as before the Judge or Clerk thereof.

Affidavit in District Court, may be sworn before Commissioner of the K. B.

CHAP. V.

AN ACT to continue and amend the Law for Attaching the Property of Absconding Debtors.

[Passed 16th April, 1835.]

WHEREAS an Act passed in the second year of His Majesty's Reign entitled, "An Act to afford means for Attaching the Property of absconding Debtors," will expire at the end of the present Session of the Provincial Legislature; *And whereas* it is expedient to continue and amend the same: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said recited Act be and the same is hereby continued for and during the term of two years from the passing of this Act, and from thence to the end of the then next ensuing Session of Parliament, and no longer, any thing herein contained to the contrary notwithstanding.

Preamble.

Act 2 W. 4. c. 5 continued for two years.

II. *And whereas* it is necessary to make certain amendments in the said Act, and to remove doubts which have arisen respecting some of its provisions; *Be it therefore enacted by the authority aforesaid,* That from and after the passing of this Act it shall be lawful to grant an Attachment in the manner provided by the first clause of the said Statute, when a Debt is sworn to as therein mentioned, notwithstanding the absconding or concealed Debtor may not be indebted to an Inhabitant of this Province.

Attachment for Debt not due to an inhabitant of this Province.

III. *And be it further enacted by the authority aforesaid.* That the Bond mentioned in the fourth clause of the said Statute shall be given to the Sheriff of the District in which the Estate has been attached, and

Bond to be given to the Sheriff.