



A N N O N O N O

## VICTORIÆ REGINÆ.

CAP. V.

An Act to enforce the attendance of Witnesses before Magistrates in Lower Canada, in certain cases.

[18th May, 1846.]

**W**HEREAS in Lower Canada there exists no Law to enforce the attendance of Witnesses before Magistrates in certain cases; And whereas it is expedient to provide for the same: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That if any person, who shall be summoned as a Witness upon any complaint, information or investigation, lawfully brought before any Justice or Justices of the Peace, in that part of this Province which heretofore constituted the Province of Lower Canada, shall refuse or neglect to appear at the time by such summons appointed, having no just cause for such neglect or refusal allowed by such Justice or Justices, it shall be lawful for such Justice or Justices, on proof of such summons having been served, to issue a Warrant, under his hand and seal, or their hands and seals, to bring such persons before him or them; and if any Witness appearing, or on being brought under such Warrant as aforesaid, before any such Justice or Justices, shall refuse to be examined or to answer on oath such questions as may be lawfully put to such Witness concerning the matter before such Justice or Justices, without having some just cause for such refusal allowed as aforesaid, it shall be lawful for such Justice or Justices, by Warrant under his hand and seal, or their hands and seals, to commit such person to the Common Gaol of the District wherein the said Justice or Justices have jurisdiction, there to remain for any time not exceeding ten days, at the discretion of the Justice or Justices.

Preamble.

Justice may issue a warrant to bring before them persons summoned as witnesses and refusing to attend before them.

Justices may commit to gaol, witnesses refusing to be examined before them.