

Laws of Her Majesty's Province of United Canada, passed in the year 1846. Montreal:
Stewart Derbishire & George Desbarats, 1846.

9 Victoria – Chapter 35

An Act to authorize and enforce the attendance of Witnesses from any part of this Province, before the Courts of Superior Criminal Jurisdiction. 9th June, 1846.

Whereas it is necessary to provide for the attendance of witnesses in Criminal Cases, upon Subpoenas issued from any of the Courts in this Province having Superior Criminal Jurisdiction: 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, and 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 witness or witnesses in any Criminal Case cognizable in the Courts of Queen's Bench, or before any Justices of Assize, or Commissioners of Oyer and Terminer or Gaol Delivery in any part of this Province, shall reside in any part of this Province without the Jurisdiction of that Court of Queen's Bench, or of the Justices of Assize, or Commissioners of Oyer and Terminer or Gaol Delivery, before which or whom such Criminal Case is or shall be cognizable, it shall be lawful for the Court of Queen's Bench, or Justices of Assize, or Commissioners of Oyer and Terminer or Gaol Delivery, before which or whom such Criminal Case shall be cognizable, to issue a Writ or Writs of Subpoena, 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, Justices of Assize, or Commissioners of Oyer and Terminer or Gaol Delivery, and in case such witness or witnesses shall not obey such Writ or Writs of Subpoena, it shall be lawful for such Court of Queen's Bench, Justices of Assize, or Commissioners of Oyer and Terminer or Gaol Delivery, issuing such Writ or Writs of Subpoena, to proceed thereupon against such witness or witnesses for contempt or otherwise, or to bind over such witness or witnesses to appear at such days and times as may be necessary, and upon default being made in such appearance, to cause the recognizances of such witness or witnesses to be estreated, and the amount thereof to be sued for and recovered by process of law, in like manner as if such witness or witnesses were resident within the jurisdiction of such Court of Queen's Bench, Justices of Assize, or Commissioners of Oyer and Terminer or Gaol Delivery; any law, usage or custom to the contrary thereof in anywise notwithstanding.