

Attendance and examination of persons and production of documents may be enforced by a rule or order.

VIII. And be it enacted, That when any reference shall have been made by any such rule or order as aforesaid, it shall be lawful for the Supreme Court, or for any Judge thereof, by rule or order to be made for that purpose, to command the attendance and examination of any person to be named, or the production of any documents to be mentioned in such rule or order, and the disobedience to any such rule or order shall be deemed a contempt of Court, if in addition to the service of such rule or order, an appointment of the time and place of attendance in obedience thereto, signed by one at least of the arbitrators before whom the attendance is required, shall also be served, either together with or after the service of such rule or order; provided always, that every person whose attendance shall be so required, shall be entitled to the like conduct money and payment of expenses as for and upon attendance at any trial; provided also, that no person shall be compelled to produce under any such rule or order any writing or other document that he would not be compelled to produce at a trial, or to attend at more than two consecutive days to be named in such order.

Arbitrators may administer an oath when by the order of reference it is ordered that the witnesses shall be so examined.

IX. And be it enacted, That when in any rule or order of reference it shall be ordered or agreed that the witnesses upon such reference shall be examined upon oath, it shall be lawful for the arbitrators, or any one of them, and he or they are hereby authorized and required to administer an oath to such witnesses, or to take their affirmation in cases where affirmation is allowed by law instead of an oath; and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted accordingly.

In references to arbitration made at Nisi Prius, &c., officer returning the postea to set down date of filing the award on the margin.

X. And be it enacted, That in any case in which a reference to arbitration shall be made at Nisi Prius, and it shall be ordered that the award of the arbitrators shall be returned on the postea as the verdict of a Jury, and the award shall be filed with the officer who returns the postea, after the last day of the sitting of the Court, such officer shall set down on the margin thereof the day on which such award shall be so filed with him, instead of the last day of the sitting of the Court; and no rule for judgment on the postea shall be entered until the expiration of twenty days after the day so set down; and any Judge of the said Court in any such case in which justice may appear so to require, may either upon Summons or not, according to the circumstances of the case, order the returning of the postea and the entry and signing of judgment to be stayed until the Court shall make order in the matter at the next succeeding Term.

#### BAIL.

No person to be held to special bail when cause of action does not amount to more than £5.

XI. And be it enacted, That no person shall be held to special Bail upon any process issuing out of any Court of Record in this Province where the cause of action shall not amount to upwards of five pounds, and affidavit thereof made and filed as heretofore accustomed; which affidavit may be made before any Judge of the Court out of which the process may issue, or before any Commissioner appointed to take affidavits to be read in the Supreme Court, or the officer who issues such process or his deputy, and in cases where the plaintiff shall reside out of the Province in any of Her Majesty's Plantations or Provinces, before any Judge of the Supreme or Superior Court in such Plantation or Province; and the sum or sums specified in such affidavit shall be endorsed on the back of the writ or process, for which sum or sums so endorsed, the Sheriff or other officer to whom such writ or process shall be directed, shall take bail and for no more.

Affidavit before whom to be made.

Amount in affidavit to be endorsed on the writ.

XII. And be it enacted, That in all suits wherein the writ or process shall not be so endorsed for bail, the defendant shall not be arrested, but shall be served with a copy of the process within the jurisdiction of the Court issuing such process, in manner heretofore accustomed; and if such defendant shall not appear or file common bail at the return of such writ, or within twenty days after such return, it shall be lawful for the plaintiff, upon affidavit of the due service of such writ or process, as hereinafter directed, to enter a common appearance or file common bail for the defendant, and to proceed thereon as if such defendant had entered his appearance or filed common bail.

Defendant not to be arrested when endorsement is not made on the writ, but plaintiff may proceed on affidavit of due service.

Defendant at large on bail may be rendered in discharge of his bail in the Supreme Court.

XIII. And be it enacted, That a defendant who shall have been held to bail upon any mesne process issued out of the Supreme Court in this Province, may be rendered in discharge of his bail, to the common gaol of any County in which he may be, and the render to such County gaol shall be effected in manner following, that is to say: The defendant, or his bail, or one of them, shall for the purpose of such render obtain an order of a Judge of the said Court, and shall lodge such order with the gaoler of such gaol to which the render may be made, and a notice in writing of the lodgment of such order, and of the defendant's being actually in custody of such gaoler by virtue of such order, signed by the defen-