

- of compelling the attendance of a witness before the arbitrator or arbitrators or umpire upon such reference, shall be in the manner prescribed by the 48th Section of the said recited Act, passed in the 13th and 14th years of Her Majesty's Reign; and parties making default
- 5 in attendance, or refusing or neglecting without sufficient cause, to produce any books, papers or writings required by such summons to be produced, may be proceeded against and punished, in the manner provided for in the 48th Section of the said recited Act, for disobedience of the summons to a witness. And it shall be lawful
- 10 for any one of such arbitrators to administer an oath to the parties in such suit, and to all other persons that may be examined before such arbitrator or arbitrators, either on behalf of the plaintiff or defendant, or to take their affirmation in cases where affirmation is allowed by law instead of an oath; and every person who in any
- 15 examination upon oath, or solemn affirmation before any such arbitrator or arbitrators, shall wilfully or corruptly give false evidence, shall be deemed guilty of perjury, and liable to the punishment which may, by law, be applicable to the crime of perjury.

Punishment of witnesses making default.

Arbitrator may administer oath to parties or witnesses.

False swearing to be perjury.

- VI. And be it enacted, That so much of the Act passed in the
- 20 eighth year of the Reign of Queen Anne, intituled, "*An Act for the better security of rents, and to prevent frauds committed by tenants,*" as relates to the liability of goods taken by virtue of any execution, shall not be deemed to apply to goods taken in execution under the process of any Division Court, but the landlord of any
- 25 tenement in which any such goods shall be so taken, shall be entitled by any writing under his hand or under the hand of his agent, to be delivered to the Bailiff making the levy, (which writing shall state the terms of holding, and the rent payable for the same) to claim any rent in arrear then due to him, not exceeding the rent of four
- 30 weeks when the tenement is let by the week, and not exceeding the rent accruing due in two terms of payment where the tenement is let for any other term less than a year, and not exceeding in any case the rent accruing due in one year; and in case of any such claim being so made, the Bailiff making the levy, shall distrain
- 35 as well for the amount of the rent so claimed, and the costs of such additional distress, as for the amount of money and costs for which the warrant of execution issued, and shall not proceed to sell the same, or any part thereof until after the end of eight days at least next following after such distress taken; and for every
- 40 additional distress for rent in arrear, the Bailiff of the Court shall be entitled to have as the costs of the distress, instead of the fees allowed by the said recited Act passed in the 13th and 14th years of Her Majesty's Reign for making such distress and keeping possession thereof, the fees allowed by an Act of the Parliament of the late Province of Upper Canada, passed in the first
- 45 year of Her Majesty's Reign, intituled, "*An Act to regulate the costs of levying distresses for small rents and penalties;*" and if any replevin be made of the goods so distrained, so much of the

Part of Statute of Anne not to apply to goods taken in execution in Division Courts; recourse of the landlord in such case.

Duty of Bailiff distraining.

Costs to Bailiff.

Act of Upper Canada, 1 Vic. c. 16
Proceedings of