

No further Affidavit required in Bailable action previous to suing out Capias. See, otherwise in Actions not Bailable.

Issues joined in the Home District may be tried before any Judge.

Chief Justice or other Judge to issue his Precept to the Sheriff to summon Jurors to try such issues not less than 30 days after Hil. & Trin. Terms.

Commissions may be issued for the examination of Witnesses.

And when executed in a foreign country to be returned under the hands and seals of Commissioners.

XV. *And be it further enacted by the authority aforesaid,* That in all cases in which the party has been held to special bail, it shall not be necessary to make or file any further or other Affidavit before suing out a Capias ad satisfaciendum upon the Judgment obtained in the same action, and that in cases where the party has not been held to special bail a Writ of Capias ad satisfaciendum may issue after Judgment upon an Affidavit of the same form as is hereby required to be made for the purpose of suing out a Capias in mesne process or upon Affidavit by the Plaintiff his Servant or Agent that he hath reason to believe that the Defendant hath parted with his property or made some secret or fraudulent conveyance thereof in order to prevent its being taken in Execution.

XVI. *And be it further enacted by the authority aforesaid,* That upon all issues joined in the Court in any suit or action that shall arise or be triable in the Home District or in the District where the Court shall be holden under any Commission of Assize and Nisi Prius issued after the Terms of Hilary and Trinity respectively and tested on the last day of each of those Terms, the Chief Justice or any other Judge of the said Court shall as Judge of Assize and Nisi Prius for the said District try all manner of issues joined in the said Court which ought to be tried by a Jury of the said District, and that the Chief Justice or any other Judge of the said Court shall as Judge of Assize and Nisi Prius issue his Precept to the Sheriff of the said District, for the summoning of Jurors for the trying of all such issues as may be joined in the said Court and arise and be triable in the said District, so that the same may be in no instance holden sooner than thirty days from the end of the Hilary and Trinity Terms respectively.

XVII. *And be it further enacted by the authority aforesaid,* That when the Plaintiff or Plaintiffs, Defendant or Defendants in any action now pending or hereafter to be brought, shall be desirous of procuring the testimony in such suit or suits of any aged or infirm person resident within the Jurisdiction of His Majesty's Court of King's Bench in this Province, or any person who is about to withdraw himself or herself beyond such Jurisdiction, or who is residing without the limits of this Province, it shall and may be lawful to and for His Majesty's said Court, or for any Judge thereof in vacation upon hearing the parties upon the motion of such Plaintiff or Plaintiffs, Defendant or Defendants, to issue one or more Commission or Commissions under the Seal of the said Court to one or more Commissioner or Commissioners, to take the examination of such person or persons respectively, due notice being given to the adverse party, to the end that he, she, or they may cause such Witnesses to be cross-examined.

XVIII. *And be it further enacted by the authority aforesaid,* That in cases of Witnesses residing without the limits of this Province such Commission or Commissions with the examination of the Witness or Witnesses taken pursuant thereto returned to the said Court, with an Affidavit of the due taking thereof thereto annexed, sworn before and certified by the Mayor or Chief Magistrate of the City or place where the same shall or may be taken close under the hand and seal or hands and seals of one or more of such Commissioners shall be taken prima facie to have been duly executed and