

XII. In all cases above six pounds five shillings currency the Defendant shall have the right to evoke the suit to the Superior Court for the District in which the County Court in which the action has been brought shall be situate; Provided always, that in all cases where any suit or action, against any person residing within the jurisdiction of any Court established by this Act for any cause or matter cognizable before such Court, shall be brought before any Circuit Court, the Plaintiff shall not be entitled to recover any greater amount of costs than if such suit or action had been brought before the Court established by this Act; Provided also, that there shall be no appeal from any judgment rendered in the said County Courts, except in any case in which under the Laws now in force, an appeal lies to Her Majesty, Her heirs and successors in Her or their Privy Council.

Appeal to Superior Court in certain cases. Proviso.

XIII. When any notarial instrument or authentic copy of the same, or any writing under private signature, produced in evidence in any suit before any County Court shall be alleged to be forged or falsified, such allegation shall operate as an evocation of the suit to the Superior Court in the District in which the said County shall be situate.

Inscription en faux to operate as an evocation.

XIV. Whenever any such evocation as is herein last mentioned shall occur, and security shall have been given as hereinafter provided, the Commissioners before whom such document shall have been alleged to be forged or falsified, or the Clerk of the Court shall, within fifteen days next thereafter, certify and transmit to the Prothonotary of the Superior Court, the document impugned, all the documents produced in the cause, and a certified copy of the entries in the register respecting the same: Provided always, that no Commissioner or Clerk shall so transmit any such document, unless good and sufficient security for the payment of the costs of the "*inscription en faux*" shall have been given before him by the party making such inscription.

Proceedings in case of evocation upon *Inscription en faux*.

XV. It shall be lawful for any Commissioner entitled to sit in the Court before which any suit or action shall have been instituted, on the application of either party, to issue orders of subpoena in the form prescribed in the Schedule to this Act, to compel the appearance of witnesses before the Court, under a penalty of not exceeding _____ nor less than _____ currency, for each and every default to attend, as by such order of subpoena commanded: and it shall be lawful to and for any such Commissioner to administer to such witnesses, or to any party to the suit who may be lawfully examined therein, an oath or affirmation in the usual manner.

Subpoenas, how issued.

XVI. Except as hereinafter excepted, it shall not be lawful to cause the witnesses in any suit to be summoned to attend on the day of the return of the summons to the Defendant; but in all cases of default or plea to the action on the part of the Defendant, a subsequent day shall be named for receiving evidence; saving always, that if the Defendant should make default when the service on him has been personal, it shall then be lawful for the Plaintiff to proceed immediately to prove his case by witnesses if necessary: and in such cases as well as in all cases of default wherein sufficient written evidence shall be adduced on the day of the return, or where the Defendant shall confess judgment, or both parties shall agree that the case be heard and determined forthwith, the Court may hear the case and give judgment, instant.

Attendance of witnesses.