

such proceedings and make such order and orders upon such report as justice may require, and as may be instituted and made in any case of contempt of the Court.

VI. And be it further enacted, That the costs of every rule or order to be made for the examination of witnesses under any commission or otherwise by virtue of this Act, and of the proceedings thereupon shall be costs in the cause, unless otherwise directed either by the Judge making such rule or order, or by the Judge before whom the cause may be tried, or by the Court.

VII. And be it further enacted, That no examination or deposition to be taken by virtue of this Act shall be read in evidence at any trial without the consent of the party against whom the same may be offered, unless it shall appear to the satisfaction of the Judge, on proof by affirmation or *viva voce*, that the examinant or deponent is out of the Province or dead, or unable from sickness or other infirmity to attend the trial; in all or any of which cases the examinations and depositions certified under the hand of the Judge, Commissioners or other person taking the same, shall and may without proof of the signature to such certificate be received and read in evidence, saving all just exceptions: Provided always, that such examinations or depositions shall be closed up under the seal of the Judge, Commissioner or other person taking the same, and addressed to the Supreme Court, and shall not be opened before the trial without the consent of the parties to the suit.

VIII. And be it further enacted, That the Judges of the Supreme Court may from time to time make and establish such general rules and orders relating to the matters contained in this Act, the same being not repugnant to this Act, as to them may seem expedient.

IX. And be it further enacted, That an Act made and passed in the thirty-first year of the reign of King George the Third, intituled "An Act to enable the Justices of the Supreme Court to issue Commissions for the examining of witnesses out of the Province," be and the same is hereby repealed.

CAP. XXXV.

An Act to define the crime of Forgery.

Passed 17th March 1835.

WHEREAS it is expedient more distinctly to define and explain the crime of Forgery;

I. Be it declared and enacted by the Lieutenant Governor, Council and Assembly, That if any person shall forge or alter, or shall offer, utter, dispose of or put off, knowing the same to be forged or altered, any writing, with intent to defraud any person whatsoever, every such offender shall be deemed to have committed the crime of Forgery and shall be guilty of Felony, and being convicted thereof shall be liable to be punished in the manner prescribed for Felony in an Act made and passed in the first year of the reign of His present Majesty, intituled "An Act for improving the administration of Justice in Criminal Cases."

II. And be it further enacted, That in every case of Forgery, every principal in the second degree and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree; and every accessory after the fact shall on conviction be liable to be punished by fine or imprisonment, or both, as the Court shall award; such imprisonment to be either with or without hard labour as the Court shall see fit, and not to exceed the term of two years.