

made at any time which by law would be admissible as evidence against such person.

XI. And be it declared and enacted, That the room or building in which such Justice or Justices shall take
 5 such examination and statement as aforesaid shall not be deemed an open Court for that purpose; and it shall be lawful for such Justice or Justices, in his or their discretion, to order that no person shall have access to or be or remain in such room or building without the consent or
 10 permission of such Justice or Justices, if it appear to him or them that the ends of Justice will be best answered by so doing.

Place where examination taken not an open Court and no person to remain without consent.

XII. And be it enacted, That it shall be lawful for any such Justice or Justices before whom any such witness
 15 shall be examined as aforesaid to bind by recognizance (O 1) the prosecutor, and every such witness, to appear at the next Court of competent criminal jurisdiction at which the accused is to be tried, then and there to prosecute or prosecute and give evidence, or to give evidence
 20 as the case may be, against the party accused, which said recognizance shall particularly specify the profession, art, mystery or trade of every such person entering into or acknowledging the same, together with his Christian and surname, and the Parish, Township or place of his
 25 residence, and if his residence be in a City, Town or Borough, the recognizance shall also particularly specify the name of the street and the number (if any) of the house in which he resides, and whether he is owner or tenant thereof or lodger therein; and the said recognizance,
 30 being duly acknowledged by the person so entering into the same, shall be subscribed by the Justice or Justices before whom the same shall be acknowledged, and a notice (O 2) thereof, signed by the said Justice or
 Justices, shall at the same time be given to the person
 35 bound thereby; and the several recognizances so taken, together with the written information (if any), the depositions, the statement of the accused, and the recognizance of bail (if any) in every such case shall be delivered by the said Justice or Justices, or he or they shall cause the
 40 same to be delivered to the proper officer of the Court in which the trial is to be had, before or at the opening of the said Court on the first day of the sitting thereof or at such other time as the Judge, Recorder or Justice who is to preside at such Court at the said trial shall order and
 45 appoint: Provided always, that if any such witness shall refuse to enter into or acknowledge such recognizance as aforesaid, it shall be lawful for the Justice or Justices of the Peace by his or their warrant (P 1) to commit him to the Common Gaol or House of Correction for the Dis-
 50 trict in which the accused party is to be tried, there to be imprisoned and safely kept until after the trial of such accused party, unless in the mean time such witness shall

Power to Justices to bind over the prosecutors and witnesses by Recognizance.

Recognizance, Depositions, &c. to be transmitted to the Court in which the trial is to be had.

Witnesses refusing to enter into recognizances may be committed.