

sue out writ
of possession:

her for her dower, and to levy all such costs as by the judgment and any rule of Court, or either, shall have been awarded to her against the tenant.

If Judgment
against de-
mandant and
costs award-
ed defendant
may issue
fi. fa.

37. In case judgment shall have been given against the demandant, and costs be awarded to be paid by her to the defendant by such judgment or by any rule of Court, such defendant may issue a writ of *fi. fa.* to recover the same.

Mode of pro-
curing atten-
dance of wit-
nesses before
Commission-
ers.

38. In case it is desired by either party to produce any witnesses before the commissioners, such party may, on application to the Court out of which the writ of assignment issued, or to any Judge of either of the Superior Courts of Common Law, on affidavit that the evidence of any such witness is necessary, obtain an order commanding the attendance of any such witness before the said commissioners, and if in addition to the service of such order, an appointment of time and place of attendance in obedience thereto, signed by one of the commissioners, be served on the person whose evidence is required either with or after the service of the order, non-attendance shall be deemed a contempt of Court, and shall be punishable accordingly; but the person required to attend shall be entitled to be paid the same fees, allowance and conduct money as if he had been subpoenaed as a witness in an ordinary suit, and no witness shall be obliged to attend more than two consecutive days.

Remunera-
tion of Com-
missioners,
&c

39. The commissioners shall be entitled to receive from the demandant the sum of four dollars for each day's attendance, not however to exceed (two), and may also charge at the rate of twenty cents for every hundred words for drawing up their report, and ten cents for every hundred words of each copy furnished by them to either party.

By whom
costs to be
paid.

40. The demandant shall pay the cost of suing out and the cost of the commissioners in executing the suit of assignment of dower, and making the report thereof, but each party shall pay their own costs of witnesses or of attorney or counsel attending before the said commissioners.

Demandant
and tenant
may by
instrument
agree upon
assignment,
or money or
lien, and du-
plicate may
be registered
and entitle
demandant to
hold lands, &c

41. The demandant and the tenant of the freehold may, by any instrument under their respective hands and seals executed in the presence of two credible witnesses, agree upon the assignment of dower, or upon a yearly sum or a gross sum to be paid in lieu and satisfaction of dower; and a duplicate of such instrument, proved by the oath of one of the subscribing witnesses, which oath any commissioner duly appointed for taking affidavit may administer, shall be registered in the registry office of the county where the lands lie, and shall entitle the demandant to hold the land so assigned to her, against the assignor and all parties claiming through or under him, as tenant for her life, or to distrain for or to sue for and recover, in any Court having jurisdiction to the amount, the annual or other sum agreed to be paid to her by such tenant of the freehold; and such instrument so registered shall be a lien upon the land for such yearly or other sum, and shall be a bar to any other action, suit or proceeding by the demandant for dower in the lands mentioned therein.

Certain
clauses not to
apply when

42. The several clauses of this Act, numbered from twenty-six to forty, both inclusive, shall not apply to or affect cases in which the