

or with some person for him at his last or most usual place of abode,) it shall be lawful for such Justice or Justices before whom such person should have appeared, to issue a warrant (L 2) under his or their hands and seals, to bring and have such person, at a time and place to be therein mentioned, before the Justice who issued the said summons, or before such other Justice or Justices of the Peace for the same District as shall then be there to testify as aforesaid, and which said warrant may, if necessary, be backed as hereinbefore is mentioned, in order to its being executed out of the jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by evidence upon oath or affirmation that it is probable that such person will not attend to give evidence unless compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant (L 3) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the appearance of such person so summoned before the said last mentioned Justice or Justices, either in obedience to the said summons or upon being brought before him or them by virtue of the said warrant, such person shall refuse to be examined upon oath or affirmation concerning the premises, or shall refuse to take such oath or affirmation, or having taken such oath or affirmation shall refuse to answer such questions concerning the premises as shall then be put to him without giving any just excuse for such refusal, any Justice of the Peace then present and having there jurisdiction, may, by warrant (L 4) under his hand and seal, commit the person so refusing to the common Gaol or House of Correction for the District where such person so refusing shall then be, there to remain and be imprisoned *for any time not exceeding ten days*, unless he shall in the mean time consent to be examined concerning the Premises.

In certain cases warrant may be issued in the first instance.

Persons appearing on summons and refusing to be examined may be committed.

IX. And be it enacted, That in all cases where any persons shall appear or be brought before any Justice or Justices of the Peace charged with any indictable offence, whether committed in this Province or upon the high seas or on and beyond the seas, or whether such person appear voluntarily upon summons or have been apprehended, with or without warrant, or be in custody for the same or any other offence, such Justice or Justices before he or they shall commit such accused person to prison for trial, or before he or they shall admit him to bail, shall in the presence of such accused person, who shall be at liberty to put questions to any witness produced against him, take the statement (M) on oath or affirmation of those who shall know the facts and circumstances of the case, and shall put the same in writing, and such depositions shall be read over to and signed respectively by the witnesses who shall have been so examined, and shall be signed also by the Justice or Justices taking the same

As to the examination of witnesses.