

*And be it further enacted,* That in the vacancy of every Court, the Parties agreeing to a Submission may file and enter their Submission and Agreement with the Clerk of the said Court, and upon producing such Agreement, of Submission in Writing, and an Affidavit thereunto annexed, of the Perfection thereof, with a Certificate of the Filing the said Submission, to any of the Judges of the Courts, such Judge is hereby empowered to order and direct that such Submission shall be received and made a Rule of Court, and that the Parties shall finally be concluded by the Arbitration and Umpirage; and it shall become a *Record* thereof, in the same manner, as tho' that Action had been commenced by Writ and Declaration.

*Provided nevertheless* that if Complaint be made to the Court, before the Entering of *Judgment*, that the Referees, Arbitrators, or Umpire, misbehaved themselves, and that such Award was unduly or corruptly procured; on Proof thereof, such Award shall be void, and shall be set aside by the said Court.

*And be it further enacted,* That no Action, wherein the Title of *Lands, Tenements, or Hereditaments*, may be called in Question, shall be determined in any of the manners beforementioned, but that all *Real* Actions shall be determined by Verdict of a Jury, as heretofore practised.

*And be it further enacted,* That when Witnesses may be judged necessary by the Parties, to clear up any of the Matters of *variance*, submitted to a Reference or Arbitration, the Justices of the Peace are hereby empowered to swear such Witnesses, to give their Evidence before such Referees or Arbitrators, and they are hereby empowered to examine the same; and if any Witness, being first summoned by the said Justice, shall refuse to be sworn or attend, (not having any just or reasonable Cause therefor, to be allowed of by the Arbitrators or the Majority of them) at the Time and Place appointed by the Referees or Arbitrators, and there give their Evidence, such Witness so failing herein; shall be liable to pay a Fine not exceeding *Ten Pounds*, to be levied by such Justice, by Warrant of Distress and Sale of the Offenders Goods.

*And be it further enacted,* That where any Person or Persons shall be summoned to give Evidence upon the Trial of any Issue between Party and Party, or in behalf of any Prisoner upon Trial, and such Person or Persons, so summoned, shall refuse or neglect to give his, her or their Attendance at the Time and Place mentioned in the Summons or Subpœna, (not having any just or reasonable Cause therefor, to be allowed of by the Court) or willfully withdraw himself or herself, before sworn, or shall willfully refuse to be sworn, or shall refuse to give his or her Evidence; in every such Case, the Party so offending, shall forfeit and pay to the Party grieved, the Sum of *Ten Pounds*, to be levied by Warrant of Distress and Sale, from the Court, on the Offenders Goods and Chattels. *Provided nevertheless* that no Person shall be obliged to give Evidence in any Cause before such Person be paid or secured their reasonable Charges for Attendance; to be allowed of and ordered by the Court.