

that purpose summon and enforce the attendance of all necessary persons as in a suit, and may make such order for the repayment of any money extorted, or for the payment over of any money and for the payment of such damages and costs as the Court thinks just; and the Court may also, if it thinks fit, impose on the clerk or officer such fine, not exceeding 10*l.* for each offence, as the Court thinks just.

39. All costs and all charges and expenses of witnesses, prosecutions, punishments, and deportations, and other charges and expenses, and all fees, fines, forfeitures, and pecuniary penalties payable under this Order, may be levied by distress and seizure and sale of ships, goods, and lands; and any bill of sale, or mortgage, or transfer of property, made with the view of avoiding such distress, seizure, or sale, shall not be permitted to defeat the provisions of this Order.

40. All fees, fines, forfeitures, and pecuniary penalties levied under this Order shall be carried to the public account, and be applied as the Secretary of State, with the concurrence of the Commissioners of the Treasury, from time to time directs.

41. In any case, civil or criminal, and at any stage thereof, the Court, either of its own motion, or on the application of any party, may summon a British subject, being within the particular jurisdiction, to attend to give evidence, or to produce documents, or to be examined.

If the person summoned, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court, he shall (independently of any other liability) be deemed guilty of an offence against this Order, and be liable to a fine of not more than 100*l.*, or to imprisonment for not more than one month in the discretion of the Court.

42. In a criminal case, where the Court is satisfied that a British subject within the particular jurisdiction may be able to give material evidence, either for the prosecution or for the defence, and that he will not voluntarily attend to give evidence, the Court may issue a summons for his attendance.

If he does not obey the summons, and does not excuse his failure to the satisfaction of the Court, then (after proof of service of the summons) the Court may issue a warrant to compel his attendance.

Where it is proved to be probable that a person who might be so summoned will not attend to give evidence unless compelled to do so, then the Court, instead of issuing a summons, may issue a warrant in the first instance.

If any such person on his appearance, either in obedience to a summons, or on being brought up under a warrant, refuses to take an oath, or having taken an oath to answer any question put to him, and does not excuse his refusal to the satisfaction of the Court, then the Court may, by warrant, commit him to prison, there to remain for not more than seven days, unless he in the meantime consents to answer duly on oath.

43. If in any case, civil or criminal, a British subject wilfully gives false evidence on oath in the Court, or on a reference, he shall be deemed guilty of wilful and corrupt perjury.

44. In a civil case, the Court may, if it thinks fit, order that the expenses of a witness, on his appearing to give evidence, be defrayed by the parties, or any of them.

45. In any case, civil or criminal, and at every stage thereof, the Court, on the application of either party, or of its own motion, may order

witnesses on both sides to be kept out of Court until they have respectively given their evidence; but this provision does not extend to the parties themselves, or to their respective legal advisers, although intended to be called as witnesses.

46. In every case, civil or criminal, and at every stage thereof, the Court shall take a note of the substance of all oral evidence taken before it in a narrative form, but shall put down the terms of any particular question or answer, if there appears reason for doing so.

No person shall be entitled as of right, at any time or for any purpose, to inspection or a copy of the Court's notes of evidence.

47. In every case, civil or criminal, and at every stage thereof, each witness, after examination-in-chief, is subject to be cross-examined, and to be re-examined, and after re-examination may be questioned by the Court, and shall not be recalled or further questioned save through and by leave of the Court.

48. In a civil case, where evidence taken by affidavit, or by commission, or on deposition, is offered, the party offering it may read it before or after the oral evidence on his part is concluded.

49. In every case, civil or criminal, and at every stage thereof, any objection to the reception of evidence shall be made at the time the evidence is offered, and shall be argued and decided at the time.

Where a question proposed to be put to a witness is objected to, the Court, unless the objection appears frivolous, shall, if required by either party, take a note of the question and objection, and mention on the notes whether the question was allowed to be put or not, and the answer to it, if put.

50. In a civil case, where a person whose evidence would have been admissible is dead or insane, or, for any reason appearing sufficient to the Court, is not present to give evidence, the Court may if it thinks fit, receive proof of any evidence given by him in any former judicial proceeding; provided that the subject-matter of the former proceeding was substantially the same as that of the pending proceeding, and that the parties to the pending proceeding were parties to the former proceeding or bound by it, and had an opportunity in it of cross-examining the person of whose evidence proof is so to be given.

51. In a criminal case, if it is proved that a person whose deposition has been taken is dead, or is so ill as not to be able to travel, and that his deposition was taken in the presence of the accused, and that the accused had full opportunity of cross-examining the witness, the deposition may be given in evidence.

52. In a criminal case, any statement made by the accused at the preliminary examination, in answer to the questions put to him by the Court, as prescribed by this Order, may be given in evidence against him on the trial.

53. In a criminal case, nothing in this Order shall prevent the prosecutor from giving in evidence at the trial any admission or confession, or other statement of the accused made at any time, which would, by law, independently of this Order, be admissible as evidence against him.

54. In a civil case, where the circumstances of the case appear to the Court so to require, for reasons recorded in the minutes, the Court may, when a suit or application is pending, take the evidence of any witness at any time as preparatory to the hearing, and the evidence so