

118. The writ of subpoena must be served on the witness personally, by leaving a copy thereof with the witness, but it shall not be necessary to show the original writ.

119. If any person whose attendance is required for examination at the trial of the action, or in any proceedings in the action, is in custody, the party requiring his attendance may apply to the Judge on affidavit, stating that he is a material witness and is in custody, and that he is willing to attend, whereupon it shall be lawful for the Judge to order the officer in whose custody the witness is to bring the witness into Court at the trial, or to any place where proceedings in the action may be conducted or held, to be there examined as a witness.

120. On serving the order upon the officer there shall be paid or tendered to him his reasonable charges for bringing the witness, and consequent thereon.

121. In an action or other proceeding in or to which a corporation, joint-stock company, or body of persons empowered by law to sue in the name of a public officer, is a party or intended party, affidavits may be made on behalf of such corporation, joint-stock company, or public body, by any officer or member thereof respectively, or by their solicitor, if from any unavoidable cause an affidavit cannot be made by an officer or member of the company.

122. Affidavits or affirmations may respectively be sworn or made before the Judge of the Court, or before a solicitor of the Supreme Court, or before a Registrar or Deputy-Registrar of the Supreme Court, or before any Justice of the Peace, or the Clerk of the Court.

123. An affidavit cannot, however, be read or used if it was taken before a solicitor who, at the time of taking the same, was acting as the solicitor, or as clerk or agent of the solicitor, of the person on whose behalf it was to be read or used in the action or proceeding in which it was to be read or used.

124. Affidavits shall be intitled correctly in the cause or proceeding in which they are to be used, and shall state the Christian names and surnames of all parties thereto.

125. The Christian name must be written at length, except where the defendant has been sued by the initial letter of his Christian name, in which case he may in the title be described by such initial letter.

126. The profession, business, or occupation of every person making an affidavit shall be inserted therein, also the true place of abode of the deponent at the time of making the affidavit, unless it be made by a party in the cause, in which case it shall suffice if he describe himself as such party.

127. Every affidavit must be signed by the deponent, or if he cannot write he must set his mark thereto.

128. The time of swearing the affidavit must be stated in the jurat, and likewise the place where it is sworn.

129. If the affidavit be sworn by a person who, from his signature or mark, appears to be illiterate, the person taking the affidavit shall certify in the jurat that the affidavit was read and explained by himself to the deponent, and that the deponent appeared perfectly to understand the same, and that he wrote his signature or made his mark in the presence of such person.

130. If any alteration or interlineation be made in an affidavit previously to its being sworn, it shall be initialled by the person before whom it is sworn, otherwise the affidavit cannot be read.

131. The jurat shall be signed by the person before whom the affidavit is sworn.

132. No affidavit shall be read or made use of in any matter in the jurat of which there shall be an interlineation or erasure; but the jurat must be totally cancelled, and a fresh one written underneath.

133. If an affidavit be sworn before a person not authorized to take it it is a nullity.

134. An affidavit sworn on a Sunday is a nullity.

135. In every affidavit the deponent's statement shall be in the first person throughout the affidavit.

136. Every affidavit shall be divided into paragraphs numbered consecutively, and each paragraph shall, as nearly as may be, be confined to a distinct portion of the subject.

137. Affidavits once filed may be made use of, even though the party who filed them should decline to use them.

138. No affidavit shall be read or used until it has been filed, and, when filed, shall not be taken off the file without leave of the Court or a Judge.

139. Any party to an action or proceeding before the Court, requiring the affidavit of a third person who refuses to make an affidavit, may apply by summons for an order to such person to appear and be examined on oath before a Judge or other officer of the Court, to whom it may be most convenient to refer such examination, as to the matters concerning which he has refused to make an affidavit.

140. The foregoing rules shall apply to affirmations.

PART III.—DISPOSAL OF ACTIONS.

CHAPTER I.

By PAYMENT INTO COURT.

141. If the relief claimed in any action be payment of a sum of money, the defendant may, before trial of the action, pay into Court a sum of money by way of satisfaction or amends.

142. Notice of such payment shall be served upon the plaintiff.

143. Any money paid into Court as aforesaid may be paid out to the plaintiff, or his solicitor, or duly-authorized agent.