

Court of Judicature of this Island, in which either Party shall be desirous to take the Depositions of Witnesses residing out of this Island, to be read as Evidence in such Causes, it shall and may be lawful for the said Court, in Term time, or for any one of the Justices of the same, in Vacation, upon sufficient cause being shewn by Affidavit made by or on behalf of the Party desiring the same, to authorize the issuing of a Commission under the Seal of the said Court for taking such Depositions, in such manner, and under such Rules, Restrictions and Regulations as the said Court by any Rules and Orders for that purpose shall direct and appoint: And such Depositions so taken shall be read in Evidence as Depositions taken *de bene esse*, at the Trial of such Causes, and the Costs attending the issuing such Commissions and taking such Depositions, shall be taxed, and shall be paid by the Party who shall afterwards discontinue any such Suit, or against whom any final Judgment therein shall be given. *Provided*, that the Judge or Officer taxing such Costs shall be of opinion that such Commission was necessarily issued, and that the Depositions taken thereunder were material to the matter in issue, in favour of the Party who desired the same; but if otherwise, such Costs shall be paid by the Party obtaining the Commission.

Issue of Commission for taking such Depositions.

Depositions so taken to be read as evidence *de bene esse*.

Costs attending suit to be taxed, and paid by the party discontinuing, &c.

Provided Court shall be of opinion that such Commission was necessary,

otherwise to be paid by party obtaining Commission.

Act to be in force 5 years.

II. *And be it further enacted*, That this Act shall remain and be in force for and during the Term of Five Years from and after the passing thereof, and no longer.

C A P. V.

An Act for regulating JURIES, and further declaring the QUALIFICATIONS of JURORS.

Acts relating to this subject: 13th Geo. 3d, c. 8. 5th Geo. 4th, c. 7. 9th Geo. 4th, c. 2. 3d Will. 4th, c. 12.

No Person to be returned unless summoned six days before the

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That no Sheriff or Bailiff shall return any Person to have been Summoned as a Grand or Petit Juror, to serve in this Island,