

vince, where the parties in any of the said causes or either of them or any of the said Witnesses shall be domiciliated or resident more than ten leagues distant from the place where any of the said Courts of King's Bench shall respectively be holden, it shall be the duty of the Judge or Judges of the said Courts of King's Bench respectively in this Province as well in the inferior as in the superior terms thereof, to authorise and appoint such capable and disinterested person as he or they may deem fit, to receive and reduce to writing the testimony of those of the said Witnesses whose domicile or residence may be distant as aforesaid.

XI. And be it further enacted, that the appointment and nomination of such person to receive and reduce to writing the testimony of Witnesses as aforesaid, shall be made by an order or rule of Court in which shall be contained the names of the parties, plaintiff and defendant, and others, if such there be in the cause in which such order or rule may have been made, the name and residence of the person who shall be thus named and appointed, the power given to the said person to administer the oath to the said Witnesses and to receive and reduce to writing their testimony, and finally the day on which the said person, so as aforesaid to be named and appointed, shall be held to return into Court the testimony by him received, and reduced to writing in virtue of the said order or rule, the whole upon pain of nullity.

XII. And be it further enacted, that after the said order or rule shall have been duly signified to the person therein named and appointed as aforesaid, the said person shall be held and bound to obey the same unless prevented by sickness, infirmity, or other reasonable cause, which he shall report as speedily as possible to the Court by which he shall have been named as aforesaid. Provided always, that before entering upon the execution of the said order or rule, the said person so therein named and appointed as aforesaid, shall take and subscribe the oath hereinafter prescribed to be administered to such person by one or more of the Justices of the Court by whom he may have been so named and appointed, or by one of the Commissioners appointed or to be appointed under and by virtue of a certain Act made and passed in the forty-eighth year of His Majesty's Reign, intituled, "An Act to authorise the Judges in Civil causes in this Province to delegate the power of administering oaths in certain cases therein mentioned," which oath shall be in the following form: I, A. B. do swear that I will according to the best of my skill and knowledge