C A P. VIII.

An ACT for admitting Depositions *de bene esse*, of Witnesses, aged, infirm, or otherwise unable to travel, and of Witnesses departing from this Island.

BE *it enacted, by the Lieutenant Govern-or, Council and Assembly,* That when it shall

Witnesses in a Cause who are infirm, &c.

so happen that any of the Witnesses who may be judged necessary to be produced on the Trial of any Cause between Party and Party shall be infirm, aged, or otherwise unable to travel, or when any such Witness is obliged to leave this Island, it shall and may be lawful for any one of the Jus-

Any Justice of SupremeCourt, after due Notice to adverse Party, or Attorney, may take the deposition of such Witnesses;

tices of His Majesty's Supreme Court of Judicature of this Island, or for any one of the Justices of any other of His Majesty's Courts of Record, that now are or which hereafter shall or may be established therein, where such Cause is to be tried, after due notice in writing hath been given to the adverse Party or Parties, or to his, her, or their Attorney or Attornies, to be present (if he, she, they, or any of them see fit) to take the deposition of such infirm or aged Person or Persons, so unable to travel, or who is or are obliged to leave this Island as aforesaid: And such Deposi-

which shall be sealed up and directed to the Court where Cause is to be tried.

tions, so taken and certified under the Hand and Seal of the Justices of said Courts respectively (before whom such Deposition has been taken,) and sealed up and directed to the Court where such Suit or Action may be depending, shall be received as legal Evidence in such Cause.

II. *Provided,* Proof shall be first made on Oath,

Oath to be made of due Notice to adverse Party or Attorney.

that due Written Notice was given to the adverse Party or Parties, or to his, her, or their Attorney, or Attornies, of the Time and Place of taking such Depositions: And each and every such Written Notices shall be duly served, at least *Six Days* previous to the Day appointed for taking such Evid-