

## C A P. X.

An ACT to enable the JUSTICES  
of the SUPREME COURT to issue  
COMMISSIONS for the examining of  
Witnesses out of the Province.

Justices of the  
Supreme Court  
to issue commis-  
sions for taking  
depositions,

to be read as de-  
positions *de bene*  
*esse*.

**B**E IT ENACTED, *by the Lieutenant Governor, Council and Assembly*, That in all civil causes depending and at issue in the Supreme Court of this province, in which either party shall be desirous to take the depositions of witnesses residing out of this province to be read as evidence in such causes—it shall and may be lawful for the Justices of the said Court upon sufficient cause being shewn by affidavit on the behalf of the party desiring the same, to issue a commission under the seal of the said Court, for taking such depositions, in such manner, and under such restrictions and regulations as the said Court by any rules and orders, for that purpose made, 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 and taking such depositions shall be regulated by rule or order of the said Court for that purpose to be made.

## C A P. XI.

An ACT for the SECURITY and PRO-  
TECTION of CERTAIN ISLANDS  
in the River SAINT JOHN.

Justices of the  
General Sessions  
in the county of  
York on applica-  
tion of the  
Grand Jury  
may declare wa-  
ters a lawful  
fence.

Public notice to  
be given.

**I. B**E IT ENACTED, *by the Lieutenant Governor, Council, and Assembly*, That it shall and may be lawful for the Justices of the General Sessions of the Peace in the county of York, upon the application of the Grand Jury, if such Justices or the major part of them shall think fit, to declare, by any order or orders for that purpose to be made, that the waters surrounding the Islands lying in the river Saint John above the town of Fredericton shall be a lawful fence. And upon public notice being given by affixing such order or orders in the most public places in each town or parish in the said county the water so declared to be a lawful fence, shall from thenceforth be deemed and taken to be a lawful fence, any law, usage or custom to the contrary notwithstanding.

Limitation.

**II.** *And be it further enacted*, That this act shall continue and be in force two years ... longer.