

No. 13 An Act to empower the several Courts within this Province, to order Commissions for the Examination of Witnesses residing beyond Sea, and for the more easy Foreclosure of Mortgages. Liber H. S.
No. I

Whereas, it has been found very inconvenient to many Suitors, in the several and respective Courts within this Province, whose Witnesses have resided beyond Sea, that the said Courts have not any Power or Authority to order Commissions for the Examination of such Witnesses, whereby such Suitors have been deprived of the Benefit of their Testimony, or been put to an heavy Expence and great Delay, in order to obtain out of the high Court of Chancery, a Commission for the Examination of such Witnesses: For Remedy whereof, [Preamble.]
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Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That in all and every Cause and Causes, that now do or shall hereafter depend, in any of the Courts within this Province, wherein either Plaintiff or Defendant shall make it appear to the Satisfaction of the Justices by his own Oath or otherwise, That any material Witness for him, without whose Testimony he cannot safely proceed to Tryal, doth or shall reside out of this Province, it shall and may be lawful for the said Justices, to order the Register of the High Court of Chancery, for the Time being, to issue a Commission or Commissions, as the Case shall or may require, to such Person or Persons as the said Justices shall appoint to take the Examination of such Witnesses. [Commis-
sion to be
given for the
Examination
of Witnesses
out of the
Province.]

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Register of the Court of Chancery being thereunto ordered and directed by the Justices, as aforesaid, shall issue a Commission or Commissions to such Person or Persons, to be appointed as aforesaid, in such Manner and Form as Commissions have heretofore been issued out of the High Court of Chancery, for the Examination of Witnesses, in any Cause or Suit there depending, and that the Person or Persons to be appointed Commissioner or Commissioners as aforesaid, and his or their Clerk shall qualify themselves to execute such Commission or Commissions, in such Manner and Form as Commissioners and their Clerks have heretofore qualified themselves, to execute Commissions issued out of the High Court of Chancery, for the Examination of Witnesses, in any Cause or Suit there depending. [Commis-
sioners and
their Clerk
to be quali-
fied as here-
tofore.]

And be it further Enacted, That the Register aforesaid, after such Commission or Commissions shall be executed and returned by the Commissioners, shall preserve and keep such Commission or Commissions, and the Depositions to be taken thereon, among the Records and Proceedings of the High Court of Chancery; and that Copies of such Depositions as shall be taken in pursuance of such Commission or Commissions as shall be issued according to [When the
Commis-
sioners are
executed, the
Register to
preserve
them; and
Copies to be
good Evi-
dence.]