

cery for examining witnesses and taking evidence, and the interrogatories of the respective parties shall be read by the commissioners, so that they may be heard by the parties, their attorneys or agents, respectively, if they choose to attend, and each party shall, on application, have a right to a copy of the interrogatories of the adverse party, to be delivered by such party before any witness is examined on such interrogatories, and if either party shall, after witnesses are examined on the interrogatories of the adverse party, desire the commissioners to adjourn to a future day for the purpose of receiving additional interrogatories, proofs and witnesses, it shall be done by the commissioners, and the commissioners shall receive such additional interrogatories in writing, and take the proofs and evidence offered, and shall give each party a fair opportunity of adducing all his testimony; but if the party requiring an adjournment for the purpose aforesaid, shall neglect or refuse to exhibit his interrogatories, and produce his evidence, at the meeting in consequence of such adjournment, and it shall appear to the commissioners that delay and procrastination is effected by such party, then no further time shall be given him for the purpose aforesaid.

By 1824, ch. 133, compulsory process may issue to enforce the attendance of witnesses.

By 1795, ch. 88, sec. 4, a commission for taking depositions (with the consent of both parties,) may issue to one person, instead of four, and by 1799, ch. 79, sec. 6, a commission for any other purpose may issue, (with the like consent, and the approbation of the chancellor,) to one person, or to three, with power to any two.

By 1826, ch. 222, commission to take testimony to be issued by the court, or one judge thereof, to two persons.

Allowance
to commis-
sioners, &c.

SEC. 15. *And be it enacted*, That each commissioner to take evidence, acting in consequence of an appointment from the chancery court, shall be allowed twenty shillings current money per day for every day he shall actually serve in the execution of such commission, to be paid by the parties according to the time that such commissioner serves in taking the testimony of such parties respectively, and to be taxed in the bill of costs of the party for whom the decree of the chancellor shall pass in the cause.

Increased by 1795, ch. 88, sec. 4, to thirty shillings, where the commission issues to one person.

By 1818, ch. 193, sec. 3, the provisions of this section is extended to the clerk employed on every commission.

And
witnesses.

SEC. 16. *And be it enacted*, That a witness attending commissioners in consequence of summon, by them issued, or the request of either party, shall be allowed five shillings per day for every day's attendance, and itinerant charges, to be ascer-