

CHAP. 72. tively, 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 1795, ch. 88, section 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, section 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.

Allowance to
commissioners, &c

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 (e) per day for every day he shall actually serve in the execution of such commission (f), 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.

(e) Increased by 1795, ch. 88, s. 4, to thirty shillings, where the commission issues to one person.

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

And witnesses.

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 ascertained by the commissioners, which allowance shall be paid by the party summoning or requesting such witness to attend, and shall be taxed in the bill of costs as aforesaid.

Chancellor may
appoint an audi-
tor, &c

17. AND BE IT ENACTED, That the chancellor shall have full power and authority to appoint, during his pleasure, a person of integrity, judgment and skill in accounts, to be auditor for the chancery court, who shall, before he enters upon the duties of his appointment, take an oath, to be administered by the chancellor, well and faithfully to execute the duties of his office, without favour, affection, partiality or prejudice; and all accounts directed to be stated, audited or settled, by order of the chancellor, shall be referred for such purpose to the auditor, who shall have power and authority to administer an oath to all witnesses and persons proper to be examined upon such account, and shall audit, state and settle, such accounts agreeably to the order of the chancellor, and shall return the same to the chancellor, to be done with as the chancellor shall think just; and the said auditor shall be allowed thirty-five shillings current money per day for every day he shall reasonably