*And in fact the mode now of examining a witness, under a commission from this Court, except that it is all in writing, **189** is similar in every respect to an examination in a Court of common law. He on whose part the witness is called examines him first, and then he is cross-examined by the opposite party; and so on until the whole testimony is taken. The benefit of which cross-examination, strictly and properly so-called, and as here understood, cannot be had under the English secret mode of proceeding. *Moorhouse* v. *De Passou*, 19 *Ves.* 433. If anything should be developed, in the course of the examination, from which it appears, that, by other testimony, the incompetency or incredibility of a witness may be shewn, it is not necessary, as in England, to wait for the return of the commission, and for the having of it opened by an order of the Court, and then to exhibit articles against the witness; and to take out another commission to bring in proof in support of such articles, *Purcell* v. *McNamara*, 8 *Ves.* 326; *Wood* v. *Hammerton*, 9 *Ves.* 145; *Mill* v. *Mill*, 12 *Ves.* 408; but the party may require the commissioners to adjourn their session to another day, and so from time to time, not extending to unreasonable delay

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that they would not publish, disclose, or make known to any person the contents of any of the depositions until publication should be passed; *Kent* v. *Emory*, 22d May, 1769, *Chancery Proceedings*, *lib. W. K. No.* 1, *fol.* 332; *Mackall* v. *Morsell*, 5th March, 1770, *Ibid*, *fol.* 224; *Cockey* v. *Hammond*, 26th August, 1774, *Ibid*, *fol.* 332; *Howell* v. *Fell*, 21st May, 1783, *Chancery Proceedings*, *No.* 2, *fol.* 17; *Usher* v. *Brown*, 28th February, 1786, *Ibid*, 591. And the oath directed to be taken by the register of the High Court of Chancery of Maryland, in the year 1670, required him also to swear, that he would not publish or shew, directly or indirectly, the depositions to any person, before publication, without warrant from the Court, *Chancery Proceedings*, *lib. C. D. fol.* 34. In the year 1824, an eminent London solicitor, in speaking of the course of Chancery proceedings in England, in this respect, declared, "that no real remedy for the present evils of the equity jurisdiction existed, but in the general substitution of public *viva voce* testimony for the present system of secret written evidence," *Park's His. Co. Chan.* 453, 561, 566. But, in Maryland, under a commission to audit and settle accounts, neither the commissioners nor their clerks were sworn to secrecy; and therefore, in such cases, the depositions of witnesses brought before such commissioners were always taken publicly in presence of the parties if they chose to attend; *Clapham* v. *Thompson*, 1 *Bland*, 123, *note; Dorsey* v. *Dulany*, 1 *Bland*, 465, *note.* Nor, as it would seem, was there any injunction of secrecy in taking testimony under a commission from the Prerogative, now Orphans' Court. *Valette's Dep. Com. Guide*, 213. And so too as far back as 1729, in all cases, where the parties were allowed by a special interlocutory order to take testimony before a Justice of the Peace, the depositions were always taken publicly as at present, *Townshend* v. *Duncan*, *ante*, 81. But by the Act of 1785, ch. 72, s. 14, which was passed and became a law on the 10th of March, 1786, the secret mode of taking testimony was totally abolished, and the parties are now allowed to attend at a public examination before the commissioners, and to propound to the witnesses such interrogatories as they may think proper.