

not only in some respects, the cheapest form of gathering proofs, but, in many instances, it greatly facilitates, and expedites the progress of the cause. Depositions so taken, it is evident, are made under all the principal safeguards, which can, in any manner, insure fairness and fulness of evidence; that is, the special order of the court indicating the matter in issue, on oath, publicity, the right to cross-examine, and a penal responsibility. It may, therefore, be as confidently relied on as testimony taken in any other way; being in no manner open to the strong objections to that kind of *ex parte*, affidavit evidence, to which the Court of Chancery of England allows itself to resort, for the determination of some of

before the Chancellor instead of the auditor. But whether or not they ought to have been laid before the auditor, the Chancellor now thinks proper to order; and it is *Ordered*, that, from the aforesaid depositions, and other proceedings, the auditor of this court, state and report an account, or accounts, agreeably to the said propositions and agreement of July 20th, 1802.

The defendants, by their petition stated, that in pursuance of this order, of the 12th of November, the auditor had summoned Hannah Marches to appear before him, at his office, on the 28th of the same month, to testify on their behalf, which she had not done. Whereupon they prayed for an attachment, &c.

2d December, 1805.—HANSON, Chancellor.—*Ordered*, that, unless Hannah Marches, of Baltimore, shall, on the 13th day of this month, appear before Samuel W. Lee, a justice of the peace of Baltimore county, and answer such interrogatories as shall be proposed by either, or any of the parties to this cause, she shall be considered as acting in contempt of this court; and an attachment shall forthwith issue against her; provided a copy of this order be served on the said Hannah Marches before the 11th instant.

The defendants, by their petition stated, that the witness Hannah Marches had appeared before the justice of the peace as required; but, that she had not given a full answer to the interrogatories exhibited to her by the petitioners. Whereupon they prayed for an attachment, &c.

21st December, 1805.—HANSON, Chancellor.—*Ordered*, that unless Hannah Marches, lately Hannah Onion, shall, before the 25th day of January next, appear before some judge, or justice of the peace, and give a plain, full, and direct answer to the second interrogatory, on the 13th instant proposed to her, and evasively answered in the presence of Samuel W. Lee, a magistrate, an attachment of contempt, on application, shall be issued against her, returnable immediately: *Provided*, a copy of this order, and of the said interrogatory be served on her at any time before the 10th day of January next; and provided too, that the paper marked No. 1, be shewn to her at the time of her appearing to answer as aforesaid. The said interrogatory and the answer thereto have been laid before the Chancellor. The answer to the second interrogatory is defective and evasive, inasmuch as she does not say whether or not the name 'Hannah Onion,' signed to the said paper marked No. 1, shewn to her, at the time of exhibiting said interrogatory, is her hand-writing.