

V. And be it enacted, by the authority aforesaid, That upon appeal to his Majesty in council from any judgment or decree which shall be rendered or given in the court of appeals of this province, whereupon security shall be given for prosecuting such appeal, in case the appellant or appellants shall not lodge in the said court of appeals of this province a certificate of the clerk of his majesty's council, or other proper officer thereof, or other sufficient proof, making it appear that the record of the judgment or decree appealed from had been lodged with or delivered unto the clerk of his majesty's council, or other proper officer thereof, in twelve months after such appeal obtained to his majesty in council, then, and in such case, the appeal bond of the appellant or appellants, and of his, her or their sureties therein, shall be liable to be put in suit for such default, upon the application of the appellee or appellees for that purpose.

C H A P.
VII.
A certificate of the clerk of his majesty's council to be lodged in the court of appeals, &c.

VI. Provided always, That if the appellant or appellants aforesaid shall, within the said twelve months, make appear or disclose such matters as may make it reasonable to grant him, her or them, a further time for lodging or delivering the record aforesaid, in manner aforesaid, then, and in such case, the court of appeals of this province may, on the application of the appellant or appellants, grant to him, her or them, such further time as to the said court shall seem to be reasonable upon the circumstances of such case; and when a further time for the purpose aforesaid, upon such application as aforesaid, shall be granted, in such case the appeal bond aforesaid shall not, in virtue of this act, be liable to be put in suit, until the said further time shall have expired, and the rule or order of the said court of appeals of this province, granting such further time, shall not have been performed by the appellant or appellants.

Provide;

VII. And be it enacted, by the authority aforesaid, That it shall and may be lawful for the justices of the provincial court, or any county court, upon application made to them in court, by any party or parties in or to any action or civil suit depending, or that shall be depending before them, and upon satisfaction being given to such court, by affidavit or otherwise, that there are material and competent witnesses in such cause residing or living out of this province, to direct the clerk of such court to issue a commission for taking the depositions or affidavits of such witnesses, and that such commission shall issue, and the commissioners shall be appointed and qualified, and such interrogatories be proposed or exhibited, and such commission be executed and returned, and the depositions or affidavits taken in pursuance thereof, shall be published in the same manner and form as in the case of commission issuing out of the court of chancery for the examination of witnesses residing and living out of this province; and the depositions or affidavits which shall be duly made and taken in virtue of any commission which shall issue in pursuance of this act, or copies thereof duly attested, shall be admitted in evidence at the trial of the cause.

Witnesses residing out of the province, justices to direct a commission for taking depositions, &c.

VIII. This act to continue for and during the term of seven years, and until the end of the next session of assembly, which shall happen thereafter.

Continuance;

Continued for seven years, &c. by the act of May, 1781, ch. 29.

C H A P. VIII.

An ACT to confirm a lease made by Thomas Harrison of Baltimore county, for part of a lot of land therein mentioned, to the commissioners of Baltimore-town and their successors.

WHEREAS it is represented to this general assembly, that the inhabitants of the said town have obtained a lease from a certain Thomas Harrison, to William Lyon, Nicholas Ruxton Gay, John Moale, and Andrew Buchanan, to and in the name of a majority of the commissioners of the said town, bearing date the fourth day of June, seventeen hundred and sixty-three, for part of a lot of land in the said town, distinguished in the plat thereof by the number seventy-one, for and during the term of ninety-nine years, under the yearly rent of eight pounds sterling money, with a covenant therein contained on the part of the said Thomas Harrison, for the renewment of the said lease, at the

Preamble;