

In Obedience to an Order of the Right Honourable the Lord Proprietary to
 the Effect whereof I am Comanded to make Report to his Lordship touching
 the Death of a Representation, That great Delays as well as unnecessary
 Expences have been occasioned in the Court of Chancery for want of Proper Officers
 as well to take the Examinations and Depositions of Witnesses concerning the
 facts in Issue in such Causes as also to take and state Accounts Decreed by the said
 Court, and to return my Opinion and Judgment concerning the same, I Do
 humbly certify that it is the Method and Practice of the Court of Chancery
 after Issue is Joyned in the Cause to take out a Commission Directed to four
 Commissioners Living in the County where the fact arises, whereby they are
 authorized to take the Examination of Witnesses concerning the facts in Issue
 and in case the matter in Dispute be matter of Account to take and settle all
 accounts between the parties, which Commissions are usually executed in an
 ordinary or Tavern, in the Publick hearing of the Parties, and for the executing
 of which the Comms with the Cert by them Chosen do Demand from the parties
 a fee of Ten Shillings a Man & Diem, and all their Expences to be paid during
 the time of their sitting, concerning which Method of Proceeding, my Opinion
 is that besides the great Expence often complained of by the parties, the same
 is not only Dilatory, But also Irregular and preposterous, and a great means
 for the Increase of Perjury and the Subornation of it, For it is very Dilatory
 in regard the Attorneys who are concerned in the Cause and who for the
 most part live in Annapolis do not and will not for the present fee
 limited by Law attend the Commissioners in the Country, so that the parties
 and Comms who are Ignorant in such matters, being left to themselves, the
 Depositions are often obscurely or Deficiently taken, Accounts ill Stated
 and the Judgment of the Commissioners thereon either not at all, or uncertainly
 reported, so that the Court hath been obliged to Issue a second or further
 Commission, which some times hath not been attended with greater Success
 than the former.

But it is also Irregular and Preposterous, that a Commission should
 Issue to take an account against a Defendant before it is Decreed, either
 that he is Accountable to the Plaintiff or if so, without any Directions to
 the Commissioners in what manner to take the account, either as to the
 subject matter of it, as to the time from whence to be taken, what allow-
 ances to be made & other previous Requisites by way of Direction to
 the Commissioners who are only Ministerial Agents for the purpose, and
 the consequence of such an Irregular proceeding has been, That in some
 Cases an account hath been taken, when by the Decree of the Court afterwards
 the Part hath been adjudged not to be Accountable and in other Cases the Comms
 being Doubtfull which way to take the account, have taken it two ways, both
 which have been adjudged wrong, and altho' it may and hath been sometimes
 Practised, to take out one Commission before, before the hearing to take the
 Examinations of Witnesses, and after it another to state the account Decreed
 yet the parties to save time & Expence most commonly have been Induced to
 take out one Commission which generally hath been attended with the
 contrary Effect.

But