

Delay, in order to obtain out of the high Court of Chancery, a Commission for the Examination of such Witnesses: For Remedy whereof,

II. *BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That in all and every Cause and Causes, that now do or shall hereafter depend, in any of the Courts within this Province, wherein either Plaintiff or Defendant shall make it appear to the Satisfaction of the Justices by his own Oath or otherwise, That any material Witness for him, without whose Testimony he cannot safely proceed to Tryal, doth or shall reside out of this Province, it shall and may be lawful for the said Justices, to order the Register of the High Court of Chancery, for the Time being, to issue a Commission or Commissions, as the Case shall or may require, to such Person or Persons as the said Justices shall appoint to take the Examination of such Witnesses.

Commission to be given for the Examination of Witnesses out of the Province.

III. *AND be it further Enacted, by the Authority, Advice and Consent aforesaid,* That the Register of the Court of Chancery being thereunto ordered and directed by the Justices, as aforesaid, shall issue a Commission or Commissions to such Person or Persons, to be appointed as aforesaid, in such Manner and Form as Commissions have heretofore been issued out of the High Court of Chancery, for the Examination of Witnesses, in any Cause or Suit there depending, and that the Person or Persons to be appointed Commissioner or Commissioners as aforesaid, and his or their Clerk shall qualify themselves to execute such Commission or Commissions, in such Manner and Form as Commissioners and their Clerks have heretofore qualified themselves, to execute Commissions issued out of the High Court of Chancery, for the Examination of Witnesses, in any Cause or Suit there depending.

Commissioners and their Clerk to be qualified as heretofore.

IV. *AND be it further Enacted,* That the Register aforesaid, after such Commission or Commissions shall be executed and returned by the Commissioners, shall preserve and keep such Commission or Commissions, and the Depositions to be taken thereon, among the Records and Proceedings of the High Court of Chancery; and that Copies of such Depositions as shall be taken in pursuance of such Commission or Commissions as shall be issued according to the Directions of this Act, and returned into the High Court of Chancery, and signed by the Register of the same Court, for the Time being, shall be admitted as Evidence, in any Court within this Province, between the same Plaintiff and Defendant that shall be Parties to such Cause or Causes, wherein such Commission or Commissions shall issue, and all and every other Person or Persons whatsoever, that shall claim by, through or from, such Plaintiff or Defendant only.

When the Commissions are executed, the Register to preserve them; and Copies to be good Evidence.

V. *PROVIDED always,* That no Depositions to be taken as aforesaid, or Copies thereof, shall be admitted as Evidence, unless the Party, Plaintiff or Defendant, at whose Instance and Request the Commission or Commissions shall issue as aforesaid, in Virtue whereof such Depositions shall be taken, do, before such Commission or Commissions shall issue, draw up Interrogatories to such Points as he shall think fit or proper to examine such Witness or Witnesses as aforesaid, and serve upon or deliver unto the opposite Party, a Copy of such Interrogatories, and also deliver the Name and Names of such Witness or Witnesses in Writing, as he intends to examine, in Virtue of such Commission or Commissions as aforesaid.

The opposite Party to have Notice, and a Copy of the Interrogatories.

VI. *AND* whereas, the present dilatory Method of Proceeding in the Court of Chancery, to compel Payment of Monies or Tobacco due on Mortgages, and for Non-Payment thereof to foreclose the Mortgagor of his Equity of Redemption, is a great Disadvantage to Creditors, and tends to impair and diminish the Credit of the People of this Province:

To prevent the Delays in Foreclosures;

VII. *BE*