

C H A P. VII. his, her, or their Heirs, Executors or Administrators, shall not, within Two Years next after making such Decree, appear and petition to have the Cause re-heard, and pay down or give Security for Payment of such Costs as the Court shall think reasonable in that Behalf, such Decree, made as aforesaid, shall stand absolutely confirmed against the Person and Persons against whom such Decree shall be made, his, her, and their Heirs, Executors and Administrators, and against all Persons claiming, or to claim, by, from, or under him, her, them, or any of them, by virtue of any Act done subsequent to the Commencement of such Suit; and, at the End of such Two Years, it shall and may be lawful for the Court to make such further Order as shall be just and reasonable, according to the Circumstances of the Case.

A Certificate of the Clerk of his Majesty's Council to be lodged in the Court of Appeals within 12 Months, that the Record had been lodged with him.

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.

Proviso.

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.

Witnesses residing out of the Province, Justices to direct the Clerk of the Court to issue a Commission for taking Depositions, &c.

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 a Commission issuing out of the Court of Chancery for the Examination of Witnesses