

Lib. M. 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 Comm^{rs} 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 Obligated to Issue a second or further Commission, which sometimes 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 allowances to be made &c and 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 Party hath been Adjudged not to be Accountable And in other Cases the Comm^{rs} 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 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 but one Commission w^{ch} Generally hath been Attended with the Contrary Effect.

p. 97 But further such a Method of Proceeding is a great meanes for the Increasing Perjury and the Subornation of it, for the Witnesses being Examined in Such a publick manner, Either party knowing the Strength of the Evidence against him may be Tempted to procure false Wittness to Invalidate the same.

For the Remedy of all which Inconveniencies I Humbly offer it to His Lordships Wisdom and Consideration, That an Officer may be Created with power and Authority given to him as well for the taking Examinations of Wittnesses as to the fact in Issue agreeable to the Business & Nature of the Office of an Examiner in Court in the Chancery of England, as for the taking all Accounts Decreed Reporting all matters of fact Referred to him, As also for taking all affidavits and probates of Answers agreeable to the Nature and Business of a Master in Chancery