the pltt or some other in his behalfe doe make oate, that the matter whereupon the witnesses were examined, is to take tryall at the Common lawe either at the Assises or at the Barr. And that A. B. or more of the witnesses before examined, are notorious witnesses, and not able to travell to the said tryall, And upon such oate taken, his or their depositions are to bee published of record, and to bee exemplified by the ptie so required.

But if the ptie doeth doe not appeare upon the said writt wthin by estrolls, nor his Attorney, by the end of the said 14 daies, nor showe no cause of staie therefore, whether it bee in terme or out of terme tyme, then upon oate made of the showinge of the same writt. The Lord Chancellor, Lord Keeper, or Mr of the Rolles for the tyme beinge at the request of the pltt will appoint Comissioners for the examination of the pltts witnesses, according to certaine orders prescribed in that behalfe.

The manner of proceedinge upon a special Certiorari

The ptie aggrieved exhibiteth his Bill and by the same prayeth not onlie a Certiorari, but also a Prohi, qua the

doeth, to answere to his Bill And if the Lord Chancellor Lord Keeper or Mr of the Rolles shall see good and probable matter in the Bill, they shallie graunt the same, takinge bond of the pltt for proofe of the surmisse of his Bill, wthin 14 tenae daies after the returne of his speciall Certiorari

And if the pltt doe not make proofe of the surmisse of his Bill as aforesaid then upon Certificate made under the hands of the Examiners of this Court, and notice from the pltt Attorney, that he hathe not examined and witnesses either in this Court or by Comission then a procedendo is graunted of course. But if there bee witnesses examined then to have their examinations referred to a Mr of the Chancerie.

And if he finde and so certifie, that the pltt hathe proved the substance of his Bill, then the cause to bee retorned and ordered in this Court, if not then a procedendo to proceed for the remaindere of the said cause.

And this is all wch for this tyme I purposed to speake of this most honorable Court of Chancerie whose auntoritie doth depresse the rigour of the Comon lawe, in forme before declared.

Finis.

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