

139. The bond of every trustee appointed by the court, and the bonds of trustees who are ordered by the court to give bond, shall be filed with the clerk of such court and recorded.

TESTIMONY AND WITNESSES.

140. A commission shall issue to perpetuate testimony, on a bill for that purpose, before any appearance of the party defendant, to such two persons, in the usual manner, as the court may approve, and on return of said commission, if no good objection be made thereto in twelve months from the time of such return, the court shall order the same to be recorded in perpetual memory.

141. All commissions which shall be issued to take testimony in causes pending in any court of equity of this State, shall be issued and directed to two persons to be named and appointed by the said court, or the judge thereof.

142. A commission to take testimony may, in any case in equity, issue to one person, with the consent of the parties.

143. Where a commission to take testimony in chancery shall issue to two commissioners named and appointed by the court or judge, either one of said commissioners may execute such commission.

144. With a view to the speedy execution and return of commissions to take testimony, the court, or any judge thereof, shall prescribe such rules as the nature of the case may require. Each commissioner to take testimony shall be allowed four dollars per diem for every day he shall actually serve in the execution of such commission, to be paid by the parties, according to the time that such commissioner serves in taking the testimony of such parties respectively, and to be taxed as part of the costs of the suit; and the clerk to any commissioner to take testimony shall be allowed two dollars and fifty cents per diem, to be paid as the per diem to the commissioner is directed to be paid, and to be taxed as aforesaid.

145. A witness attending such commissioner under a summons by him issued, or at the request of either of the parties, shall be allowed seventy-five cents per day for every day's attendance, and itinerant charges, to be ascertained by the commissioner,