

183 the plaintiffs, * the time allowed for taking testimony under the order of the 21st of February was, by an order of the 13th of April, 1829, enlarged.

Under the authority of this order the plaintiffs caused the cashier and book-keeper of the Mechanics Bank of Baltimore to be summoned to appear before the commissioners to testify; and to produce a statement of the account in the said bank of John Diffenderffer from 1815 to 1829. And the plaintiffs propounded to them certain interrogatories, which were returned by the commissioners and filed here on on the 20th of April, 1829, and are as follows: First. Do you know John Diffenderffer, of the City of Baltimore, who is one of the defendants in this case; and how long have you known him? Second. Are you now, and how long have you been an officer in the Mechanics Bank of Baltimore; and what office in said bank do you hold? Third. Do you know whether the said defendant John Diffenderffer keeps his bank account in the said bank; and for what period he has so kept his account? Fourth. Do you know whether he has, during the time his said account was kept in said bank, kept an account with any other bank in this city or elsewhere? Fifth. Have you recently, and at what time, examined the said account of said John Diffenderffer with said Mechanics Bank? If you have, what was the state of said account at the several periods from the year eighteen hundred and fifteen to the present time when the same was balanced? State the exact account of the balances at each of said settlements, and the times at which said settlements were severally made?

The cashier appeared, and objected to be examined on those interrogatories. And the defendant John Diffenderffer also appeared, and objected to the examination of the cashier of the Mechanics Bank, upon the interrogatories filed by the complainant. First, because he is not a competent witness in this cause; second, because he has no legal right to exhibit the account of the said defendant with the bank, during the period referred to in the interrogatory; and third, because he objects to their putting the interrogatory to the cashier, or any other officer of the bank; or to the production of the books of the bank, or any copy thereof, until an order from the Court has been obtained for that purpose. And the defendant John Diffenderffer, by his petition, filed with the return of the commissioners, prayed to be heard upon the matter.

BLAND, C., 4th May, 1829.—The matter of the petition of the defendant John Diffenderffer, standing ready for hearing

184 * and the solicitors of the parties having been fully heard, the proceedings were read and considered.

The execution of so much of the decree of the 7th of April, 1828, as directs the defendant John Diffenderffer, to render a full