

“*John H. Maccubbin v. Elizabeth Matthews, and others.*—In Chancery.”

“To Charles Waters, Henry C. Dunbar, and O’Neal Cromwell, you are hereby summoned to attend at the office of Benjamin C. Ridgate, corner of St. Paul’s and Fayette Streets, in the City of Baltimore on Tuesday, the 22d day of December, instant, at 10 o’clock, A. M., to testify for the complainant in the above cause. By order of the commissioners, John Carrere, Jun., clerk, Baltimore, 8th December, 1829.”

Which summons Charles Boour made oath he had regularly served. After which two of those witnesses, having failed to attend, as required, the commissioners reported, that the plaintiff had represented to them, that the said witnesses, Waters and Cromwell, were material witnesses in the case; and that as he was otherwise remediless, prayed, that the Court would direct an attachment to compel them to attend and testify.

BLAND, C., 1st January, 1830.—It is very certain, that this Court has, at all times, been endowed with ample power to have brought before it any testimony, documentary or verbal, necessary to a just exercise of its jurisdiction, or which it may find to be necessary to aid any suitor in having taken and produced, as competent, pertinent, and material to his case. *Amy v. Long*, 9 East, 484; *Lupton v. Hescott*, 1 Cond. Chan. Rep. 138. And it appears, that, under the Provincial Government, and since, this power to enforce the production of evidence, for the benefit of its suitors, has been often exercised in a manner analogous to that pursued by the English Court of Chancery. *Brassington v. Brassington*, 1 Cond. Chan. Rep. 233; *Bradshaw v. Bradshaw*, 4 Cond. Chan. Rep. 464; *S. C. 5 Cond. Chan. Rep. 122*; *Corsen v. Dubois*, 3 Com. Law Rep. 86; *Cowell v. Seybrey*, 1 Bland, 18, note; *Bryson v. Petty*, 1 Bland, 182, note; *Onion v. McComas*, ante, 83, note; 1 *Newland’s Chan. Pra.* 273. (a) And, therefore, * the provisions of the late Act of Assembly professing to provide compulsory **253**

(a) CHARLES, &C.—To our trusty and well beloved Lieutenant-Colonel Henry Darnall and Colonel Henry Jowles, greeting: Whereas, by a final order and decree of our High Court of Chancery, remaining upon record in our said Court, it is ordered and appointed you to audit, state, and examine the accounts and other matters between Thomas Bland, and Damos his wife, complainants, and Edward Dorsey, and Sarah his wife, defendants, depending in this Court, or at law, and stopped by injunction of this Court, at such time and place as you shall appoint: which said order of our said Court is hereunto annexed. We, willing that justice should be done, and that all decrees and orders of our said Court should be exactly performed, do hereby strictly charge and command you, and either of you, that the said parties, complainants and defendants, you call before you at such time and place, as to you shall seem meet, and the said accounts and other matters, between the said parties, that you audit, state and examine,