

process in such cases, 1824, ch. 133, can only be regarded as a mere affirmance of the pre-existing powers of the Court.

But, in enforcing the attendance of witnesses before commissioners, the Court will so exercise its authority as to leave to the suitor every benefit he can, with propriety, ask, without imposing upon the witness any unnecessary trouble or expense. It has long been the practice to allow suitors to have commissions to take evidence directed to commissioners most convenient to the residence of the witnesses; so that they may not be compelled to travel any unreasonable distance to give their testimony. And, therefore, instead of forcing a witness to attend at a great distance from his home, as for example, from his residence on the Eastern Shore, to attend commissioners setting in Allegany, the party would be directed to have a commission to some more convenient place within a reasonable distance from the habitation of the witness; without regard, however, to the place being within the same county or not, **254** as the jurisdiction of the Court extends indiscriminately *over the whole territory of the State. *Anonymous*, 4 *Mad.* 463; *Dorsey v. Hammond*, 1 *Bland*, 465. But here no objection of this kind appears to have been made by these witnesses; and therefore, they must be ordered to attend as prayed.

Ordered, that the said Charles Waters and O'Neal Cromwell, attend before the said commissioners at their office in the City of Baltimore, on Monday, the 18th day of the present month, and from time to time thereafter, as the said commissioners may appoint, then and there to answer, on oath or affirmation, all such lawful questions as may be propounded to either of them, touching the said matter in controversy; and, on failing to do so, that they or he who shall so fail, be forthwith thereafter, brought before this Court to answer the said contempt. Provided that the said

according to the order of our said Court; and that a report of your proceeding herein, that you send to us under your hands and seals into our Court of Chancery, the tenth day of February next, wheresoever we shall then be, and this our precept. Witness ourself at our City of St. Maries, the 18th day of December, in the 5th year of our Dom. &c., Annoque Domini 1679.—*Chancery Records*, lib. C. D. fol. 254.

CHARLES, &c.—To Andrew Toulson and William Currier, of Cecil County, greeting: We command you, that, all excuses set apart, you be and personally appear before James Stavely and James Frisby, our commissioners, by virtue of our commission to them directed, out of our Court of Chancery, at such certain day and place as our said commissioners shall make known unto you, that they may then and there diligently examine you, upon certain interrogatories, on the part of John Browning, complainant, against George Oldfield and Andrew Peterson, defendants; and further to do and receive what our said Court shall consider of in that behalf: and this you may in no wise omit under the pain of ten pounds sterling a piece: and have you there this writ. Witness, &c. 26th of May, 1681.—*Chancery Records*, lib. C. D. fol. 299.