

PRACTICE.—*Continued.*

- their guardian in possession of the land in respect to the amount of rents and profits received by them. *Townshend v. Duncan*, 40.
6. An annuity given by will is, for many purposes, treated as a legacy, and so considered its payment may certainly be enforced in equity. *Ib.*
  7. The office, powers, and duties of masters in Chancery in England; and of the auditor of this Court. *Ib.*
  8. It is within the scope of the auditor's duties to make any inquiry, to take testimony, to state any account, or to frame any statement which may be necessary and proper to enable the Court correctly to dispose of a case. *Ib.*
  9. The Act of Assembly authorizing the appointment of auditors does not affect the right of the Court to issue a special commission directing the taking of testimony, and the stating of an account. *Ib.*
  10. Testimony may be taken under an order before a justice of the peace. *Ib.*
  11. The mode of collecting testimony and taking the depositions of witnesses in England and in Maryland, under a commission. *Winder v. Diffenderffer*, 155.
  12. No objection, coming from a party, to suspend the taking of the depositions before the commissioners; but such objections may be noted and decided at the hearing. *Ib.*
  13. A witness may, on assigning cause, demur to the questions propounded to him; upon which the examination must be suspended until the Court decides. *Ib.*
  14. If the books of a bank be shewn to contain evidence pertinent and proper, the party is entitled to have them produced, or to have extracts taken from them. *Ib.*
  15. A witness may be compelled to attend and have his deposition taken before a Justice of the Peace. *Ib.*
  16. A party may, as of course, withdraw any document, which he himself has voluntarily put upon file, for the purpose of having it authenticated.—Commissioners may summon a witness to attend before them; and the Court will compel him to do so; but a commission should be issued so as to have the examination at a reasonable distance from the residence of the witness. *Maccubbin v. Matthews*, 235.
  17. A creditor permitted to come in, on petition, before the defendant had answered. *Bank v. Dugan*, 239.
  18. Where a plaintiff has an interest in books, which the defendant admits to be in his possession, he may be ordered to produce them; but they must be called for by petition, not by way of exception to the defendant's answer. *Ib.*
  19. The answer overrules the plea; and the plea being overruled, the defendant was ordered to pay the costs. *Ib.*
  20. The plaintiff may set the case down for hearing on bill and answer; but, in doing so, he admits the truth of every fact set forth in the answer. *Contee v. Dawson*, 248.
  21. Where an application is made, grounded on admissions in the answer, for an order on the defendant to bring money into Court, the whole of his answer must be taken together and for true. *Ib.*