

he can, upon any ground, claim to have it taken from the file, and committed to his custody, for any purpose whatever. (e)

It is, therefore, *Ordered*, that the said petition be dismissed with costs.

The commissioners of Baltimore to whom the commission to take evidence had been issued, upon the application of the plaintiff, issued a summons in the following words :

'*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.

1st January, 1830.—BLAND, Chancellor.—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. (f) 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. (g) And, therefore,

(e) *Graves v. Budgel*, 1 Atk. 444; *Harris v. Bodenham*, 1 Cond. Chan. Rep. 143.—
(f) *Amy v. Long*, 9 East. 484; *Lupton v. Hescott*, 1 Cond. Chan. Rep. 138.—
(g) *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.

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