

and Company of the Farmers Bank of Maryland. The object of the bill was to be relieved against a judgment obtained by these defendants, and to stay proceedings at law on that judgment. An injunction was granted; and on a motion to dissolve, on the coming in of the answer, it was continued until the final hearing. A commission was then issued; and the depositions of many witnesses were taken and returned. After which the case having been brought on for a final hearing, by a decree passed on the 19th of July, 1831, the injunction was dissolved, and the bill dismissed with costs, to be taxed by the register.

On the 26th of July, 1831, the defendants by their petition stated, that the *subpœnas* issued by the commissioners to sundry witnesses to appear before them and testify in the case, had been served by the sheriff of Anne Arundel county, who claimed such fees for serving the process, so issued by the commissioners, as were allowed to him by law, in general terms, for serving all *subpœnas*. And, as a voucher of this charge by the sheriff, the petitioners exhibited an account of several items amounting to *eight dollars and nineteen cents*; which, however, was not signed by the sheriff; nor did it specify the case, or under what authority, or at whose instance the witnesses had been summoned. This charge the register had refused to include in the bill of costs. Whereupon the petitioners prayed, that the register might be ordered to include this charge, as sheriff's fees, in the bill of costs which he had been directed by the decree to tax.

5th August, 1831.—BLAND, Chancellor.—This is indeed a case of very small amount in value; but it involves principles which are of the greatest importance as regards the practice and course of proceeding in this court. The right of this tribunal to resort to some effectual means of collecting legal testimony of every description, it is manifest, must be found among the powers necessarily belonging to it as a court; for, without such a power, it would be impossible to proceed with due effect in the administration of justice in any controverted case whatever. The only inquiry therefore is, as to the mode of proceeding which should be adopted to attain that great object. (a)

In England, the leading process, in courts of equity, is the *subpœna ad respondendum*, which is not, like the first process in a suit at common law, directed to the sheriff, commanding him to

(a) *Amey v. Long*, 9 East. 484; *Lupton v. Hescott*, 1 Cond. Cha. Rep. 133; *Maccubbin v. Matthews*, 2 Bland, 250.