

such two persons, in the usual manner, as the court may approve, and on return of said commission, if no good objection be made thereto in twelve months from the time of such return, the court shall order the same to be recorded in perpetual memory.

testimony  
1 Bl 238

When return to  
be recorded

**59.** All commissions which shall be issued to take testimony in causes pending in any court of equity of this State, shall be issued and directed to two persons to be named and appointed by the said court, or the judge thereof.

Id s 141  
1826, c 222, s 1  
Commissions to  
take testimony  
to whom to be  
issued.  
28 Md 436

**60.** A commission to take testimony may, in any case in equity, issue to one person, with the consent of the parties.

Id s 142  
1795, c 88, s 4,  
1799, c 79, s 6,

1829, c 159, 1840, c 109, s 5, 1852, c 173, s 2 May be issued to one person, by consent

**61.** Where a commission to take testimony in chancery shall issue to two commissioners, only one shall act on the same day, unless both are called upon, under a requisition of the parties; and the commissioner shall also be required to act as clerk, without extra compensation, unless a clerk is asked for by one of the parties contestant.

1878, c 202  
1841, c 22, s 6,  
1842, c 229, s 6  
Only one com-  
missioner to act  
on same day  
40 Md. 212

**62.** With a view to the speedy execution and return of commissions to take testimony, the court, or any judge thereof, shall prescribe such rules as the nature of the case may require. Each commissioner to take testimony shall be allowed four dollars per diem for every day he shall actually serve in the execution of such commission, to be paid by the parties, according to the time that such commissioner serves in taking the testimony of such parties respectively, and to be taxed as part of the costs of the suit, and the clerk to any commissioner to take testimony shall be allowed two dollars and fifty cents per diem, to be paid as the per diem to the commissioner is directed to be paid, and to be taxed as aforesaid.

Id s 144.  
1785, c 72, s 15,  
1795, c 88, s 4,  
1818, c 193, s 3  
Court may pre-  
scribe rules for  
the execution and  
return of  
commissions  
27 Md 646,  
40 Md 212,  
45 Md 290  
3 Bl 529

Pay of commis-  
sioners

Clerk

**63.** A witness, attending such commissioner under a summons by him issued, or at the request of either of the parties, shall be allowed seventy-five cents per day for every day's attendance, and itinerant charges, to be ascertained by the commissioner, which allowance shall be paid by the party summoning or requesting such witness to attend, and shall be taxed as part of the costs of suit.

Id s 145  
1785, c 72, s 16.  
Pay of wit-  
nesses

**64.** When any witness is summoned by a commissioner to take testimony in a chancery suit or proceeding, to appear before such commissioner to give testimony in such suit or proceeding, and such witness shall refuse or neglect to attend, or, attending, shall refuse to answer such interrogatories as are propounded to him, in all such cases the commissioner, at the request of either party to such suit or proceeding, shall immediately certify such default or neglect, under his hand, as such commissioner, to the clerk of the court where such suit or proceeding is pending, who, upon the receipt thereof, shall forthwith issue an attachment against the person named in such certificate, and the court may allow such process to compel such witness to attend and give evidence in open court, in such suit or proceeding, at such term of the court thereafter as the party applying for such attachment shall request, and such process shall

Id s 146  
1824, c 133  
Process to com-  
pel attendance  
of witnesses.  
3 Bl. 433