

be directed to the sheriff or coroner of the county wherein the person to be attached resides; and after return is made, such process may be renewed from term to term, as the case may require; *provided*, that the party obtaining such process shall give written notice to the opposite party, or his counsel, of the time of the return thereof.

Id s 147  
1785, c 72, s 14  
Examination of  
witnesses and  
adjournment  
22 Md 288,  
29 Md 2;  
30 Md 262

**65.** The parties, their attorneys, or agents, shall have a right to be present at the execution of any commission to take testimony, and the interrogatories of the respective parties shall be read by the commissioner, so that they may be heard by the parties, their attorneys, or agents, respectively; and such party, on application, shall have a copy of the interrogatories before any witness is examined on them, and if either party, after witnesses are examined on interrogatories by the adverse party, shall desire the commissioner to adjourn to a future day to receive additional interrogatories, proofs, and witnesses, the commissioner shall do so, and give such party a fair opportunity of adducing all his testimony; but if the party requiring an adjournment shall neglect or refuse to exhibit his interrogatories and produce his evidence at the meeting in consequence of such adjournment, and it shall appear to the commissioner that delay and procrastination is effected by such party, then no further time shall be given him for the purpose aforesaid.

Id s 148.  
1836, c 128, s 1.  
When and to  
whom commis-  
sions to issue  
where infants  
are defendants

**66.** In any case in chancery, upon the filing of the answer of an infant defendant, taken in the manner prescribed by law, admitting the facts stated in the bill, or making no defence to the claim of the complainant, commission to take testimony may issue at the instance of the complainant, directed to such person as the court may appoint.

Id. s 149.  
1836, c 128, s. 2  
Testimony  
taken under a  
commission in  
the cause may  
be used against  
defendants in  
default,  
9 Gull 341.

**67.** In all cases where any of the defendants have appeared and answered, and a commission to take testimony has issued, and there are other defendants who are in default for not appearing or answering, and against whom a commission *ex parte* might issue, it shall not be necessary to issue such *ex parte* commission; but the complainant may take all his testimony under the commission issued as aforesaid, and such testimony shall be as available against the defendants who are in default as if the same was taken under an *ex parte* commission.

1872, c 157.  
Testimony in  
injunction  
cases, etc.  
11 Md 128,  
15 Md 20, 22,  
17 Md 62,  
28 Md. 227

**68.** In all cases pending on motion to grant an injunction, motion to dissolve an injunction, motion to appoint a receiver, or motion to rescind an order appointing a receiver, the court may, at the instance of either party, order testimony to be taken before such person, and upon such notice and in such manner as the court in its discretion may direct, to be used at the hearing of such motion.

#### HEARING AND OPINIONS.

Art 16, s 100  
1846, c 60, s 1.  
When cause  
may be set down  
for hearing

**69.** In case where the defendant has failed to appear, or to answer after appearance, and an *ex parte* commission has issued, such cases may be set down for final hearing after thirty days from