

have been signed by the judge or judges before whom the testimony was taken, shall, with the documentary proof at the same time offered and admitted, be filed as part of the proceedings to be used as if taken before an examiner.

1888, art. 16, sec. 226. Rule 46.

244. Upon any petition, motion or other interlocutory application for the hearing and determination of which evidence may be required, the court or judge thereof may order testimony to be taken before an examiner, or before a justice of the peace, upon such notice, and in such manner as the court or judge may think proper to direct, to be used at the hearing of such matter.

Ibid. sec. 227. 1860, art. 16, sec. 141. 1826, ch. 222, sec. 1.

245. 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.

Sewell v. Gardner, 48 Md. 178.

Ibid. sec. 228. 1860, art. 16, sec. 142. 1795, ch. 88, sec. 4. 1799, ch. 79, sec. 6. 1829, ch. 159. 1840, ch. 109, sec. 5. 1852, ch. 173, sec. 2.

246. A commission to take testimony may issue to one person with consent of the parties.

Sewell v. Gardner, 48 Md. 178.

Ibid. sec. 229. 1860, art. 16, sec. 143. 1841, ch. 22, sec. 6. 1842, ch. 229, sec. 6. 1878, ch. 202.

247. 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.

Turner v. Piercy, 40 Md. 212. *Sewell v. Gardner*, 48 Md. 178.

Ibid. sec. 230. 1860, art. 16, sec. 144. 1785, ch. 72, sec. 15. 1795, ch. 88, sec. 4. 1818, ch. 193, sec. 3.

248. 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