

of such postponement to be given to the plaintiff, or his or their attorney or agent, if neither shall have attended; and on the consideration of every such application, the judge shall have full power to decide, whether any, and if any, what description and amount of bail shall be given by the petitioning defendant; to decide on the sufficiency and accept of special bail for such defendant in the action; to order the defendant to be discharged on common bail, or without bail, if no sufficient cause shall be produced for holding him to bail, and on his executing a power to some attorney of the court to appear for him on the return of the writ; and generally to do all other acts in relation to the application of the prisoner, the cause of action, the sufficiency, perfecting and justification, of bail, and the release of such prisoner, as if such judge were sitting in court; and all the acts of such judge, and all matters so transacted before him, shall be certified under his hand, and returned to the clerk of the county court to which the writ, under which the petitioner shall have been arrested, shall be returnable, and be filed with the other proceedings in such action, and shall in all respects, and to all intents and purposes, be as valid, binding and effectual, as if performed during the regular term in open court.

CHAPTER 222.

* 1785, ch. 72. A further SUPPLEMENT to the Act,* entitled, an Act for enlarging the power of the High Court of Chancery.

Other acts, 1829, ch. 159.

Commissions to take testimony.

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* That all commissions which shall hereafter be issued to take testimony in causes depending in the high court of chancery, or county courts sitting as courts of equity, shall be issued and directed to two persons to be named and appointed by the said court or courts, or any judge thereof, instead of being issued to four commissioners in the manner now prescribed by law.

Outstanding commissions may be returned.

SEC. 2. *And be it enacted,* That upon the application of either party, complainant or defendant, in any case depending in the said court, where a commission is now outstanding and unexecuted, and upon affidavit that the same is not intended for delay, the chancellor, or said courts, or any judge thereof, may order that the said outstanding commission be returned, and a new one issued to the said commissioners.

Rules to be prescribed.

SEC. 3. *And be it enacted,* That with a view to the speedy execution and return of the said commissioners, and to facilitate the administration of justice, the chancellor or said courts, or any judge thereof, shall prescribe such rules as the nature of the case may require.