

687 *therefore prayed, that the bank might be ordered to produce either the original books, writings, and papers, or copies of such parts of them, certified by a justice of the peace, as contain evidence pertinent to the issue or relative to the matters in dispute between the parties.

BLAND, C., 12th October, 1830.—It is required and decreed, that the president, directors and company of the Farmers Bank of Maryland, on or before the first day of the next term of Anne Arundel County Court, produce, on oath, by the cashier of the said institution, either the original books, writings, or papers, or copies thereof, certified by a justice of the peace, as prayed, provided, that a copy of this order, together with a copy of the said petition be served on the president or cashier of the said institution on or before the 15th instant; and provided also, that any cause shewn against the execution of this decree may be heard on the 21st instant.

The bank, by its answer, filed on the 12th of October, 1830, shewed cause and insisted, that before it could be required to produce their books and papers as ordered, the petitioner should specify the particular extract, or writings, or paper which he supposes would be pertinent to the issue in the said cases, without which it would be impossible for it to comply with the order; and it alleged, that it was not aware of any paper being in its possession which would be of service to the petitioner in defending the said suits; or indeed of the defence which he intended to make.

BLAND, C., 23d October, 1830.—This case standing ready for hearing, and having been submitted by the plaintiff on the petition and answer alone, the proceedings were read and considered.

This is a proceeding under the special provisions of the Act of Assembly, which authorizes this Court to require the production of books and papers relative to the matter in issue on a bill instituted in this Court, or on the trial of any action at law. 1798, ch. 84; *McMechen v. McLaughlin*, 4 H. & McH. 166. In all such cases it should appear, that the applicant has an interest in the document for that special purpose; *Wigram on Discovery*, 199; *Calvert on Parties*, 10; and the petition should, with some reasonable degree of certainty, designate the books and papers wanted, if practicable, by their marks, number and names; and also should specify the facts expected to be proved by them at* the trial

688 in the Court of common law. This is a proceeding which can only be regarded as one of the modes whereby a party may obtain testimony to sustain his case; and therefore, as on all