

## CHAPTER 165.

AN ACT to provide for taking Testimony in Civil Cases.

A Supplement, 1832, ch. 111.

Commissioners to be appointed to take depositions, &c.

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* That it shall be lawful for the several county courts of this state to appoint such and so many discreet persons, not exceeding three, in their respective counties, as commissioners to take the deposition of witnesses, in any civil action which shall be depending in said courts, on such notice to the opposite party, and in such manner, as the said court shall prescribe.

Parties after notice, may take depositions, &c.

SEC. 2. *And be it enacted,* That either party in any action depending in the said courts, after due notice to the other party, or his attorney, agreeably to such rule as shall be made by said courts respectively, may take the deposition of any witness before any one of the said commissioners, to be used as testimony on the trial of such action, in case only of the death of such witness, or on proof to the satisfaction of the court, of the inability of the party to procure the attendance of such witness at the time of trial, and the probable continuance of said inability until and at the next term before the court shall permit such testimony to be used; and the opposite party shall be entitled to cross examine any witness whose deposition shall be so taken, or to examine him or her on notice, before the same, or any other commissioners, and all depositions and examinations so taken shall be certified, and returned by the commissioner taking them, under his hand, to the clerk of the court in which it shall be intended to use them; and if such court shall be any other than that by which such commissioner shall be appointed, there shall be annexed to his return a certificate that he is such commissioner, by the clerk, and under the seal of the court by which he shall have been appointed; and all depositions of witnesses, so taken and returned, shall be subject to the same exceptions and objections as the testimony of the same witness would be if examined in open court, and shall have the same effect and validity.

Persons interested may have depositions taken, &c.

SEC. 3. *And be it enacted,* That it shall and may be lawful for any person or persons to have the deposition or depositions taken of any witness or witnesses, who may have knowledge of any fact, in proving which such person or persons may apprehend him, her or themselves, to be interested, before any commissioner appointed in virtue of this act, upon reasonable notice to each party against whom such depositions shall be intended to be used, or to his or her agent, or attorney, or guardian, if such party be a minor, if within this state, of the reasonableness and proof of which notice, unless the party, agent, attorney or guardian, shall attend, the court in which the same