

available as if taken on ten days' notice, and the commissioner shall return with his proceeding, the proof which induced him to shorten the notice.

27. If any person against whom the depositions herein authorized to be taken are to be used in evidence, shall attend the taking of the same, either in person or by agent, attorney or guardian, then such depositions shall be admitted in evidence without proof of notice to the party to attend the taking thereof.

28. Any commissioner appointed by a court having common law and equity jurisdiction, whether such commissioner be appointed to take depositions in chancery or depositions to be used at law, may take depositions under this article; but no commissioner shall take depositions out of the county or city for which he was appointed, except by consent of the parties in writing, to be returned with the commission.

COMMISSIONS TO PERPETUATE BOUNDARIES OF LANDS.

29. Upon petition of any person seized or possessed of lands in his own or any other right, to the Circuit Court for the county where the land lies, or the Superior Court of Baltimore city if the land lies in the city of Baltimore, for a commission to examine evidences to prove or perpetuate the memory of any of the bounds of such lands, or of any other lands whereon the lands he shall be so seized or possessed of shall depend, or whereto they relate, the court to which such petition shall be preferred may grant a commission to four substantial and capable freeholders within the said county or city, not being in any way related to any of the parties or interested in the land, empowering them, or any three or two of them, (they having first taken an oath before the said court or some justice of the peace, duly and impartially to examine and certify such evidences,) to issue summons for all such evidences as shall be to them named by the petitioner or other person concerned, to appear before them at a certain day by them to be appointed, upon the lands, the boundaries whereof are to be proved or perpetuated, and to examine all such evidences upon their corporal oaths, to be administered by such commissioners, of their knowledge concerning the several bounds of such lands, and carefully to reduce what the evidences shall declare into writing in the presence of all the parties concerned that shall be there present, and