

to be taken, together with the names of the witnesses proposed to be examined; and the deposition of any such witnesses taken pursuant to such notice and duly certified by the officer taking the same, under his hand and seal, shall be admitted as evidence at the trial of the case as fully to all intents and purposes as if the same had been taken under a commission as prescribed in the preceding section. Depositions when taken under this section shall be signed by the witnesses unless their signature shall be waived by consent of the parties, and returned to the court in which the case is pending; and shall be treated in all respects as if taken under a commission regularly issued by said court, and shall be subject to the like exceptions as testimony taken under commission. It shall be competent for the parties to any case to dispense with formal notice of time and place and name of the officer before whom such depositions are to be taken, and by agreement to provide for the taking of such depositions; and the provisions of section 30 shall be applicable to all depositions taken under this section.

This section read in connection with section 16, applies to courts of law only, but when taken in connection, with section 18, applies to courts of equity also. *Clark v. Callahan*, 105 Md. 610.

This section requires the depositions to be signed by the witnesses; separate certificates at the conclusion of the entire testimony signed by each witness, held a sufficient signature. *Potomac Works v. Barber*, 103 Md. 511.

When depositions are taken *ex parte* under this section, interrogatories should be filed with the notary, and returned with the depositions. Agreement of counsel. *Garrett v. Kerney*, 107 Md. 513.

Depositions taken in accordance with this section after due notice, and opposing counsel being present and cross-examining the witnesses, are admissible in evidence. *Jackson v. Jackson*, 80 Md. 194.

1904, art. 35, sec. 18. 1898, ch. 399, sec. 16 A.

**18.** The testimony of non-resident parties to a cause, may be taken, whether in their own behalf or by the opposite party, in the same manner as the testimony of other non-resident witnesses; this is to apply to courts of law and equity and to proceedings before magistrates; subject, however, to the provisions of law in respect to the competency of witnesses.

The purpose of this section was to do away with all discrimination between non-resident parties and other non-resident witnesses as to the taking of testimony, and also to permit the taking of the testimony of any witnesses in courts of equity as well as in courts of law under any method open to non-resident witnesses not parties to the cause. *Clark v. Callahan*, 105 Md. 610.

See notes to sec. 17.

#### **Commissions to take Testimony in this State.**

*Ibid.* sec. 19. 1888, art. 35, sec. 17. 1860, art. 37, sec. 16.  
1828, ch. 165, sec. 1.

**19.** Each of the circuit courts, or the judge thereof, shall appoint not more than three commissioners for the county in which such court is held, and each of the courts of civil jurisdiction in the city of Baltimore shall appoint two commissioners to take the depositions of witnesses, on such notice to the opposite party and in such manner as the court shall prescribe.