

by affidavit or otherwise that there are material and competent witnesses in such cause residing or living out of this State, or who, for any reason cannot be brought before them, may direct the respective clerks of such court, or the register of wills, as the case may be, to issue a commission for taking the depositions of such witnesses; and such commission shall issue, and the commissioners shall be appointed and qualified, interrogatories be proposed or exhibited, the commissions be executed and returned; and the depositions taken in pursuance thereof shall be published in the same manner and form as heretofore has been the practice in the case of a commission from a court of equity for the examination of witnesses residing and living out of this State; and the depositions which shall be duly taken in virtue of any such commission, or copies thereof duly attested, shall be admitted as evidence at the trial of the cause or the proceeding for which the same may have been taken.

*State v. Levy*, 3 H. & McH 591 *Owings v. Norwood's Lessee*, 2 H. & J 96. *DeSobry v. DeLalstre*, 2 H. & J. 191 *Beard v. Heide*, 2 H. & J. 442. *Boreing v. Singery*, 2 H. & J. 455. *Wilson v. Mitchell*, 3 H. & J. 91. *Massey v. Massey*, 4 H. & J 141. *Walkup v. Pratt*, 5 H. & J. 51. *Snavely v. McPherson*. 5 H. & J. 150. *Law v. Scott*, 5 H. & J. 438. *Cappeau's Bail v. Middleton*, 1 H. & G. 154. *Taylor v. Phelps*, 1 H. & G 492. *Maryland Ins. Co. v. Bossiere*, 9 G. & J. 121. *Calvert v. Coxe*, 1 Gill, 95. *Parker v. Sedwick*, 4 Gill, 318. *Stockton v. Frey*, 4 Gill, 408. *Penn v. Isherwood*, 5 Gill, 207. *Gibson v. Tilton*, 1 Bl. 352. *Young v Mackall*, 3 Md. Ch. Dec 398 *Young v Mackall*, 4 Md. 362. *Parker v. Sedwick*, 5 Md. 281. *Hatton v. McClish*, 6 Md. 407. *Cherry v. Baker*, 17 Md. 75. *Woodruff v. Monroe*, 33 Md 146. *Purner v. Piercy*, 40 Md. 212 *Sewell v. Gardner*, 48 Md. 182. *Consolidated Ry. v. O'Dea*, 91 Md. 512.

1888, art 35, sec 16 1860, art. 37, sec. 16. 1888, ch 545.

17. In addition to the mode prescribed in the preceding section, the testimony of non-resident witnesses may be taken by either party to any case in any court of this State, or before any justice of the peace of this State, upon giving notice of not less than five days to the opposite party of the time and place, when and where the testimony of such non-resident witnesses is proposed to be taken, and the name of the commissioner, notary public, or justice of the peace before whom the same is proposed 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