

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.

Jackson v. Jackson, 80 Md. 194.

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.

Goodman v. Wineland, 61 Md. 455

Commissions to take Testimony in this State.

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.

Ibid. sec. 18. 1860, art. 37, sec. 17. 1828, ch. 165, sec. 5.

20. Every commissioner so appointed, before he proceeds to act as such, shall take an oath before some judge or justice "that he will faithfully and impartially execute the duties of commissioner aforesaid, according to the best of his judgment;" a certificate of which oath shall be recorded among the records of the court by which such commissioner is appointed.

Ibid. sec. 19. 1860, art. 37, sec. 18. 1828, ch. 165, sec. 2.

21. Either party in any action depending in said courts, after due notice to the other party or his attorney, agreeably