

upon proof of the fact, may take such deposition upon such notice as he may prescribe to be given to the opposite party, his agent, attorney or guardian; and such deposition shall be 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.

1888, art. 35, sec. 28. 1860, art. 37, sec. 27. 1828, ch. 165, sec. 3.

30. 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.

Collins v. Elliott, 1 H. & J. 1. *Williams v. Banks*, 5 Md. 198. *Waters v. Waters*, 35 Md. 531.

Ibid. sec. 29. 1860, art. 37, sec. 28. 1826, ch. 222. 1828, ch. 165, sec. 1. 1829, ch. 159.

31. 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.

Stevenson v. Myers, 1 H. & J. 102. *Norwood's Lessee v. Owings*, 1 H. & J. 269. *DeSobry v. DeLaistre*, 2 H. & J. 191. *Brydon v. Taylor*, 2 H. & J. 396. *Patterson v. Md. Ins. Co.*, 3 H. & J. 71. *Johns v. Stoops*, 5 H. & J. 431. *Williamson v. Dillon*, 1 H. & G. 44. *Strike v. McDonald*, 2 H. & G. 192. *Maccubbin v. Cromwell*, 2 H. & G. 443. *Chambers v. Chalmers*, 4 G. & J. 420. *Birely v. Staley*, 5 G. & J. 432. *Salmon v. Feinour*, 6 G. & J. 60. *Somerville v. Marbury*, 7 G. & J. 275. *Harwood v. Jones*, 10 G. & J. 404. *Franklin Bank v. Pa., Del & Md. S. N. Co.*, 11 G. & J. 28. *Gardner v. Hardey*, 12 G. & J. 365. *Brooke v. Berry*, 2 Gill 83. *Bullitt v. Musgrave*, 3 Gill, 31. *Md. & N. Y. Coal & Iron Co v. Wingert*, 8 Gill, 171. *Townsend v. Dungan*, 1 Bl. 45. *Ringgold v. Jones*, 1 Bl. 90, (note.) *Clapham v. Thompson*, 1 Bl. 123, (note.) *Lingan v. Henderson*, 1 Bl. 236. *Hodges v. Mullikin*, 1 Bl. 503. *Welch v. Stewart*, 2 Bl. 37. *Winder v. Diffenderffer*, 2 Bl. 191. *Helms v. Franciscus*, 2 Bl. 544. *Salmon v. Clagett*, 3 Bl. 125. *McKim v. Odom*, 3 Bl. 407. *Chew v. Farmers' Bank*, 2 Md. Ch. 231. *Ibid.* 9 Gill, 361. *Hughes v. Jones*, 2 Md. Ch. 289. *Ridgeway v. Toran*, 2 Md. Ch. 303. *Young v. Mackall*, 3 Md. Ch. 398. *Ibid.*, 4 Md. 362. *Tolson v. Tolson*, 4 Md. Ch. 119. *Cherry v. Stein*, 11 Md. 19. *Walters v. Munroe*, 17 Md. 154. *Waters' Lessee v. Rigglin*, 19 Md. 549. *Matthews v. Dare*, 20 Md. 248. *Brandt v. Mickle*, 28 Md. 436.