

CHAP. 165. ed to be offered in evidence; and in case of the absence of any such party from this state, and no agent, attorney or guardian, of such party, in this state, of which the commissioner may require satisfactory proof, then upon such notice, by advertisement or otherwise, as the said commissioner shall direct; and every such deposition shall be written by the commissioner, and signed by the deponent, and the taking thereof certified by the commissioner before whom they shall be so taken, and by him lodged with the clerk of the county court of the county in which he shall act as commissioner, to be recorded by such clerk, who shall record the same on receiving therefor compensation at the same rate allowed for recording deeds; and all such depositions, or a transcript thereof, under seal, whether taken before or after any suit commenced, may be read in evidence on any arbitration or trial at law, or in equity, if such deponent or deponents die before such arbitration or trial, or be out of this state, or cannot be had to attend, of which satisfactory proof shall be made, as is provided in the second section; and such depositions shall be subject to all exceptions as in the second section is provided.

Courts to prescribe what fees shall be allowed

Sec. 4. And be it enacted, That the said county courts shall from time to time prescribe what fees shall be allowed to the commissioners for the services authorised by this act, which shall be paid by the party requiring the performance of the service, and taxed as other costs in the action.

Commissioners to take an oath

Sec. 5. And be it enacted, That any commissioner appointed in pursuance of this act, 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 said counties respectively.

Same penalty for swearing falsely as if done in open court

Sec. 6. And be it enacted, That any person swearing falsely, or procuring any person to swear falsely, before any of the said commissioners, shall be liable to the same penalties as if the testimony were given in open court.

CHAP. CLXVI.

Passed Mar 13, 1829 **A Supplement to the act, entitled, An act to appoint State Wharfingers in the City of Baltimore, and to authorise the collection of Wharfage in certain cases in said City.**

Deputies may be appointed

Sec. 1. Be it enacted by the General Assembly of Maryland, That the state wharfingers in the city of Baltimore may appoint one or more deputies to assist in the execution of the duties of the office, for whose conduct the said wharfinger shall be accountable.