

for the plaintiff, with costs, unless sufficient cause be shewn for an im-
parlance.—1763, c. 23, § 4.

See *Attachment*, 36—*Bail Bonds*, 3—*Debts Public*, 1, 2, 3.

D E P O S I T I O N S.

1. **T**HE justices of the provincial or county court, may, upon ap-
plication, and satisfaction being given, that there are material witnesses
residing out of the province, direct the clerk of such court to issue a
commission for taking the depositions or affidavits of such witnesses, and
the depositions or affidavits so taken, shall be published in the same man-
ner and form as in the case of commission issuing out of the court of
chancery, for the examination of witnesses residing out of the province;
and the same so made and taken, or copies thereof duly attested, shall be
admitted in evidence at trial.—*Nov. 1773, c. 7, § 7.*

2. Any person or persons may take the deposition or depositions of any
witness or witnesses, who may have knowledge of any fact, in proving
which such person or persons may apprehend him, her or themselves, in-
terested, before a judge of the general court or justice of the county where
such witnesses respectively reside, first giving 20 days notice to the party
or parties against whom such depositions are intended to be used, or, in
case of absence or minority, to his, her or their agent or attorney, if any,
and in case of absence, if no agent or attorney, setting up a notice in
writing at the court-house of the county where such deposition or deposi-
tions are intended to be taken, 20 days before the same are taken; which
when so taken, with proof of notice, shall be lodged with the clerk of
the county where taken, to be recorded.—*July 1779, c. 8, § 2.*

3. All such depositions, or a transcript thereof, under seal, whether
taken before or after any suit or action commenced, may be read in evi-
dence on any arbitration or trial at law or in equity, if such deponent
or deponents die before such arbitration or trial, or cannot be
had to attend the same, of which satisfactory proof shall be made.—*ibid.*
§ 3.

4. But nothing in this act is meant or intended to extend to proving
the boundaries of land, or in any manner to alter the law now in force for
that purpose.—*ibid.* § 4.

5. In case of minors who have no guardian or trustee, and in case of
absentees who are residents of this state, and all other absentees residents
of other of the united, or residing in foreign states in amity with the U-
nited