

C H A P.
VII, VIII.
Vessels to be
good failers,
&c.

XIX. Be it enacted, That in all cases where permits are requested in virtue of this act, before the same are granted, the person or persons applying for the same shall make it appear, to the satisfaction of the governor and council, that the vessel in which the same is about to be transported is a good sailer and well manned and armed; if otherwise, the said vessel, when loaded, not to be allowed to sail from the port or place where the cargo be shipped, until satisfaction be given to the governor and council that such vessel is about to sail under convoy, any thing in the above act to the contrary notwithstanding.

Owners of
vessels, &c. to
forfeit treble
the value, &c.

XX. And be it enacted, That if any vessel belonging to the state of Maryland shall sail from hence with provisions contrary to the prohibitions contained in this act, without any clearance, the owner thereof shall forfeit treble the value of the vessel and cargo, to be recovered by indictment or information in the name of the state, one half to the use of the informer; and moreover, if such vessel return into this state, she, together with her tackle, apparel, and furniture, shall be liable to seizure and condemnation in the court of admiralty.

Continuance.

XXI. This act to continue and be in force, from and after the end of this present session of assembly, until the end of the next session of assembly which shall happen thereafter.

C H A P. VIII.

An ACT establishing a mode to perpetuate testimony.

Preamble.

WHEREAS it frequently happens, that material evidence is lost for want of an easy mode to perpetuate the same:

Persons may
take depositions
before a
judge, &c.

II. Be it therefore enacted, *by the General Assembly of Maryland*, That it shall and may be lawful for any person or persons to 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 interested, before a judge of the general court or justice of the county where such witnesses respectively reside, first giving twenty 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 depositions are intended to be taken, twenty days before such depositions are taken; which deposition or depositions so taken, with proof of such notice, shall be lodged with the clerk of the county where the same are taken, to be recorded, and such clerk shall record the same, and receive for his service at the same rate per side as for recording any other matter.

Depositions
may be read
in evidence,
&c.

III. And be it further enacted, *by the authority aforesaid*, That all such depositions, or a transcript thereof, under seal, whether taken before or after any suit or action 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 cannot be had to attend the same, of which satisfactory proof shall be made.

IV. Pro-