

is offered in evidence, shall be satisfied before such deposition is permitted 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 deposition shall be subject to all exceptions as in the second section is provided.

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 authorized by this act, which shall be paid by the party requiring the performance of the service, and taxed as other costs in the action.

Courts to prescribe what fees shall be allowed.

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.

Commissioners to take an oath

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.

Same penalty for swearing falsely, as if done in open court.

CHAPTER 174.

AN ACT to provide for the Execution of certain Trusts.

SEC. 1. *Be it enacted, by the General Assembly of Maryland*, That in all cases where two or more trustees have been, or shall be appointed by last will, to execute any trust, with power, on the death of one or more of such trustees, to the survivors or survivor, to execute such trust, or to sell or dispose of and convey any lands, hereditaments or other property, or any es-

Proceedings in case of relinquishment of trust, &c.