

which allowance shall be paid by the party summoning or requesting such witnesses to attend, and shall be taxed as part of the costs of suit.

146. When any witness is summoned by a commissioner to take testimony in a chancery suit or proceeding, to appear before such commissioner to give testimony in such suit or proceeding, and such witness shall refuse or neglect to attend, or attending, shall refuse to answer such interrogatories as are propounded to him, in all such cases the commissioner, at the request of either party to such suit or proceeding, shall immediately certify such default or neglect, under his hand as such commissioner, to the clerk of the court where such suit or proceeding is pending, who, upon the receipt thereof, shall forthwith issue an attachment against the person named in such certificate, and the court may allow such process to compel such witness to attend and give evidence in open court, in such suit or proceeding, at such term of the court thereafter as the party applying for such attachment shall request, and such process shall be directed to the sheriff or coroner of the county wherein the person to be attached resides, and after return is made, such process may be renewed from term to term, as the case may require; *Provided*, that the party obtaining such process shall give written notice to the opposite party, or his counsel, of the time of the return thereof.

147. The parties, their attorneys or agents, shall have a right to be present at the execution of any commission to take testimony, and the interrogatories of the respective parties shall be read by the commissioner, so that they may be heard by the parties, their attorneys or agents, respectively, and such party, on application, shall have a copy of the interrogatories before any witness is examined on them, and if either party, after witnesses are examined on interrogatories by the adverse party, shall desire the commissioner to adjourn to a future day to receive additional interrogatories, proofs and witnesses, the commissioner shall do so, and give such party a fair opportunity of adducing all his testimony; but if the party requiring an adjournment shall neglect or refuse to exhibit his interrogatories and produce his evidence at the meeting in consequence of such adjournment, and it shall appear to the commissioner that delay and procrastination is effected by such party, then no further time shall be given him for the purpose aforesaid.