

same pay as in the Circuit Court, and payment may be enforced by attachment or order from the court which issued the order for the survey.

13. Where a witness against any person accused of a crime cannot find security for his appearance to testify against the person so accused, and for want of such security shall be committed to prison, the county where the prosecution shall be carried on shall be chargeable with and pay the imprisonment fees of such witness, and the county commissioners shall levy the same from time to time as the case may require.

14. If any person shall be presented or indicted for a misdemeanor or any offence of an inferior nature, and shall on trial thereof be acquitted, or shall plead guilty and submit his case to the court, the court may, at its discretion, order that no compensation for any attendance of the prosecutor be allowed.

COMMISSION TO TAKE TESTIMONY OUT OF THE STATE.

15. The several courts of law of this State, upon application made to them in court by a party to a suit or action therein depending, either original or on appeal from a justice of the peace, and upon being satisfied by affidavit or otherwise that there are material and competent witnesses in such cause residing or living out of this State, may direct the clerk of such court to issue a commission for taking the depositions of such witnesses, and such commission shall issue and the commissioners shall be appointed and qualified, interrogatories be proposed or exhibited, the commission be executed and returned, and the depositions taken in pursuance thereof shall be published in the same manner and form as in the case of a commission from a court of equity for the examination of witnesses residing and living out of this State, and the depositions which shall be duly taken in virtue of this commission, or copies thereof duly attested, shall be admitted as evidence at the trial of the cause.

COMMISSIONERS TO TAKE TESTIMONY IN THIS STATE.

16. Each of the Circuit Courts, or the judge thereof, shall appoint not more than three commissioners for the county in which such court is held, and each of the courts of civil jurisdiction in the city of Baltimore shall appoint two commissioners to