

Attendance and Pay of Witnesses.

An. Code, sec. 8. 1904, sec. 8. 1888, sec. 7. 1692, ch. 16, sec. 5. 1715, ch. 37, sec. 5.
1782, ch. 40, sec. 1.

8. Whenever any witness shall be summoned to attend any of the courts of this State and shall, without sufficient excuse, neglect to appear, he may be attached and fined by the court not exceeding fifty dollars, and shall be liable to answer the party for whom he shall be summoned in an action upon the case for the damage sustained for want of his appearance to testify according to such summons.

The provisions of the Code relative to compulsory attendance of a witness, have no application to a party who is a witness in his own behalf. *Gambrill v. Parker*, 31 Md. 5.

As to the continuance of a case upon suggestion that a material and competent witness is wanting, see art. 75, sec. 63.

As to the attendance and fees of witnesses before the public service commission and a failure to testify, see art. 23, sec. 357.

As to the summons of a witness residing in a different county, see art. 75, secs. 169 and 170.

See art. 16, sec. 287.

An. Code, sec. 9. 1904, sec. 9. 1888, sec. 8. 1715, ch. 37, sec. 5.

9. If any witness summoned or attached, being present, shall refuse or delay to give his evidence, he shall be committed to jail, there to remain until he shall willingly give his evidence.

An. Code, sec. 10. 1904, sec. 10. 1888, sec. 9. 1782, ch. 40, sec. 4.

10. Any court from which execution shall issue on any recognizance forfeited for not attending as a witness in any case not capital may, upon motion and good and sufficient cause fully shown by such person, discharge him from the execution upon such terms as the court shall think fit and proper.

An. Code, sec. 11. 1904, sec. 11. 1888, sec. 10. 1797, ch. 94, sec. 6. 1886, ch. 165.

11. There shall be allowed to each witness attending the circuit courts for the counties or orphans' courts of this State the sum of one dollar for each day such witness shall attend for the discharge of his duty, besides itinerant charges to be allowed to witnesses coming from other counties; provided, that every such witness shall obtain from the clerk of the court wherein he attended, or from the register of wills, if such attendance was before an orphans' court, a certificate or order showing the amount due him for such attendance, and by whom the same is payable, within thirty days after such attendance shall have been rendered; and the failure to apply for such certificate or order within said time shall be a waiver by the witness of all claim to compensation for such attendance.

The allowance for the attendance of a witness who was subpoenaed but not sworn at the trial, will not be taxed in the costs unless directed by the court. *Davis v. Batty*, 1 H. & J. 264. *Cf. Hutchins v. Eden*, 3 H. & McH. 101.

This section referred to in construing sec. 14—see notes thereto. *Hall v. Somerset County*, 82 Md. 620.

As to the compensation of witnesses in equity, see art. 16, sec. 286.