

An. Code, sec. 12. 1904, sec. 12. 1888, sec. 11. 1791, ch. 68, sec. 7.

12. A witness summoned before a justice of the peace shall be allowed thirty-three cents per day for each day's attendance.

County commissioners must pay state's witnesses, and those summoned on behalf of the defendant where he has been discharged or punished only by a fine of fifteen cents or acquitted; *contra*, as to prisoner's witnesses where he has been convicted. (See art. 24, sec. 7.) *Schamel v. Washington County*, 83 Md. 129.

See art. 52, secs. 28 and 29.

An. Code, sec. 13. 1904, sec. 13. 1888, sec. 12. 1789, ch. 35, sec. 8.

13. A witness summoned by a surveyor in execution of an order for a survey from the circuit court shall be allowed the 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.

See art. 91, sec. 7.

An. Code, sec. 14. 1904, sec. 14. 1888, sec. 13. 1752, ch. 13.

14. 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 or the mayor and city council of Baltimore shall levy the same, from time to time, as the case may require.

Where a witness for the state is detained in jail, his inability to give security for his appearance being due to no fault of his, he should be compensated as prescribed in sec. 11; *contra*, if such inability is due to witness' fault or default. *Hall v. Somerset County*, 82 Md. 620.

This section refers only to such imprisoned witnesses as are committed by magistrates. *N. Y., P. & N. R. R. Co. v. Waldron*, 116 Md. 449.

An. Code, sec. 15. 1904, sec. 15. 1888, sec. 14. 1809, ch. 188, sec. 24.

15. If any person shall be presented or indicted for a misdemeanor, or any offense 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.

Commissions to take Testimony out of this State.

An. Code, sec. 16. 1904, sec. 16. 1888, sec. 15. 1773, ch. 7, sec. 7. 1843, ch. 348. 1884, ch. 82.

16. The several courts of law and any of the judges thereof in recess, upon written application to be filed in the cause made to them by a party to or interested in a suit, action or other proceeding therein depending, either original or on appeal from a justice of the peace, and the orphans' court of this State, in any proceeding pending before them, and on being satisfied, by affidavit or otherwise that there are material and competent witnesses in such cause residing or living out of this State, or who, for any reason cannot be brought before them, may direct the respective clerks of such court, or the register of wills, as the case may be, to issue a commission for taking the depositions of such witnesses; and such commis-