

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. 19—see notes thereto. *Hall v. Somerset County*, 82 Md. 620.

As to the compensation of witnesses in equity, see art. 16, sec. 298.

An. Code, 1924, sec. 12. 1912, sec. 12. 1904, sec. 12. 1888, sec. 11. 1791, ch. 68, sec. 7.

17. 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. 30 and 31.

An. Code, 1924, sec. 13. 1912, sec. 13. 1904, sec. 13. 1888, sec. 12. 1789, ch. 35, sec. 8.

18. 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, 1924, sec. 14. 1912, sec. 14. 1904, sec. 14. 1888, sec. 13. 1752, ch. 13.

19. 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. 16; *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, 1924, sec. 15. 1912, sec. 15. 1904, sec. 15. 1888, sec. 14. 1809, ch. 188, sec. 24.

20. 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.