

be lawful to prove the execution of such instrument of writing in the same manner and by the same evidence that the same might be proved by if not attested by a subscribing witness; but this shall not apply to the proof of the execution of any last will and testament. Comparison of a disputed writing with any writing proved to the satisfaction of the court to be genuine shall be permitted to be made by witnesses, and such writings, and the evidence of witnesses respecting the same, may be submitted to the court and jury, or the court, as the case may be, as evidence of the genuineness or otherwise of the writing in dispute; provided, however, that so much of this section as relates to proof of comparison of writings shall not apply to any case now pending in any of the courts of this State.

*Pannell v. Williams*, 8 G. & J. 511. *Edelen v. Gough*, 5 Gill, 103. *Shepherd v. Bevans*, 4 Md. Ch. 408. *Gaither v. Martin*, 3 Md. 159.

#### **Attendance and Pay of Witnesses.**

P. G. L., (1860,) art. 37, sec. 7. 1692, ch. 16, sec. 5. 1715, ch. 37, sec. 5. 1782, ch. 40, sec. 1.

7. 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.

*State v. Mace*, 5 Md. 337.

Ibid. sec. 8. 1715, ch. 37, sec. 5.

8. 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.

Ibid. sec. 9. 1782, ch. 40, sec. 4.

9. 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.