

P. G. L., (1860,) art. 37, sec. 32. 1723, ch. 8, sec. 6.

**33.** The said commissioners shall receive four dollars a day for their services in taking such depositions, and the witnesses attending upon their summons the sum of one dollar per day for each day they shall attend.

**Commissions to take Evidence from Other States.**

P. G. L., (1860,) art. 37, sec. 33. 1841, ch. 107, sec. 1. 1862, ch. 147.

**34.** Whenever any commission, or process in the nature of a commission, to take testimony, shall be issued by any court of any of the United States, or by any court of any district or territory of the United States, directed to any person, either by name or otherwise, in this State, and any witness who shall have been duly notified so to do, shall fail to attend at the execution of said commission, or refuse to answer such question as may be propounded to him under such commission, it shall be the duty of the commissioner therein named, at the request of either party to the suit in which it is proposed to use such testimony, or his attorney, to certify such failure to attend, or refusal to testify, to the circuit court for the county, or to any judge of the supreme bench of Baltimore city, as the case may be, where said commission is to be executed; and the said court or judge, on receiving the said certificate, shall forthwith issue his order commanding the said delinquent witness, on some day and at some place therein appointed, to appear before him and show cause why he, the said witness, has so failed to attend or refused to testify, a copy of which order shall be served upon said delinquent witness at least five days before the day therein appointed; and if the said witness, after having had such notice of said order, shall neglect or refuse to appear before said judge, or, appearing, shall fail to show good and sufficient cause why he, the said witness, has so failed to attend or refused to testify before the said commissioner, then, and not otherwise, the said court or judge may issue an attachment in the name of the State, and compel the appearance and answer of such witness, in the same manner as any court in this State would be authorized to do if such witness had been summoned to appear before such court, and had failed to attend or refused to answer; provided, that the said court or judge may extend the time for hearing before him, if deemed by him necessary or important.