

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.

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

### Attendance and Pay of Witnesses.

1888, art. 35, sec. 7. 1860, art. 37, 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.

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

*Ibid* sec. 8. 1860, art. 37, 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.

*Ibid* sec. 9. 1860, art. 37, 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.

*Ibid* sec. 10. 1860, art. 37, 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