

pealed, and the following section substituted therefor, viz:

“Thirty-three.” 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 Judge of the Circuit Court of the city or county, where said Commission is to be executed, and the said 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 shew 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 shew 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 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 Judge may extend the time for the hearing before him, if deemed by him necessary or important.

Commissions to take evidence from other States—attendance of witnesses, &c.

Proviso.

Sec. 2. *And be it enacted*, That this act shall take effect from the date of its passage.

In force.