

8. The justices of the provincial or county court, may, upon application, and satisfaction being given, that there are material witnesses residing out of the province, direct the clerk of such court to issue a commission, for taking the depositions or affidavits of such witnesses; and the same so made and taken, or copies thereof duly attested, shall be admitted in evidence at trial.—*Nov.* 1773, c. 7, § 7.

9, 10. The clerk of any county court, may issue summons for witnesses residing in a different county, to testify in trials to be had before such court; which summons shall be directed to the sheriff or coroner of the county where the witnesses reside, and returned to the court before which the trial is to be had. And shall, in case of non-attendance, be liable to attachment and fine, in like manner as if such witnesses resided in the county where such trial is had.—*Oct.* 1777, c. 12, § 1, 2.

12. Witnesses summoned to the general court, and shall, without sufficient excuse, neglect to appear, the said court may fine such delinquent not exceeding 35*l.* current money; and witnesses summoned to attend any county court, and shall, without sufficient excuse, neglect to appear, may be fined by the said court not exceeding 20*l.* current money.—*April.* 1782, c. 40, § 1. See *Oct.* 1778, c. 21, § 15. for a similar provision.

13. On writs or warrants of resurvey from the general or any county court, the sheriff or coroner, shall summon witnesses, and upon proof of such summons and non-appearance of a witness made to the court from which the warrant or writ issued, he shall, on motion, be adjudged in contempt of the court, and attachment may issue as in other cases of contempt.—1789, c. 35, § 7. (See *Surveyors Art.* 9).

14. There shall be allowed to any witness attending agreeably to any summons aforesaid, the same allowance as is made to a witness attending a county court, to be recovered by order and attachment from the court which issued the order, writ or warrant, for the survey, or by a warrant as in case of small debts, if under 5*l.*—*ibid.* § 8.

15. In all cases of attachment to be issued by any county court, in virtue of the act of *Oct.* 1777, c. 12, (See *above Art.* 9, 10.) upon the non-attendance of any witness summoned from another county, it shall be the duty of the sheriff to whom such attachment shall be directed, to make return thereof to the county court by which the same shall be issued, and if the party be taken thereon, to produce such party before the said court, to abide their sentence thereupon.—1795, c. 23, § 2.

16. Every witness summoned to appear before the judge of the land office of the eastern shore, shall have the same allowance for his attendance, and itinerant charges, as on subpoenas out of the general court, and may compel the party, at whose request he is summoned, to pay him