

This section is reprinted for its direction to the sheriff to summons the jurors ten days before court. See 1797, ch. 87.

Proviso.

SEC. 4. *Provided nevertheless*, That all magistrates, delegates, coroners, schoolmasters, overseers of highways and constables, during their continuance in their respective stations or business, shall be exempt from any attendance as jurors.

Magistrates are not exempted by 1797, ch. 87, sec. 6. Judges of the orphans court are prohibited from serving as jurors, by 1832, ch. 170.

Penalty on witnesses for not attending, &c.

SEC. 5. *And be it further enacted, by the authority aforesaid, by and with the advice and consent aforesaid*, 'That every person that shall be duly served with process to appear at the provincial court as a witness to testify in any matter or thing there depending, and shall not keep his day of appearance, but make default, shall be fined by the justices of the provincial court one thousand pounds of tobacco; and every person that shall be duly served with process to appear in any of the county courts of this province as a witness to testify in any matter or thing there depending, and shall not keep his day of appearance, but shall make default, shall be fined by the justices of the county court where such default shall happen, the sum of five hundred pounds of tobacco, both which fines shall be to his majesty, his heirs and successors, for the support of the government of this province; and the persons that shall be summoned as evidences, and shall make default as aforesaid, shall not only be liable to the fines aforesaid, but shall also be liable to answer the party for whom he shall be summoned, in an action upon the case, for the damages sustained for want of his appearance to testify according to such summons, and shall be held to special bail on such action, and shall be liable to a conviction thereon for all damages that shall be sustained by such party for want of such evidence, and shall also be liable on such default, at the request of the party for whom such evidence shall have been summoned, to have his, her or their body or bodies attached by process out of the court to which they were summoned, which such court is hereby authorized and required to award accordingly, by virtue of which process the sheriff shall be obliged to have the body of such evidence at the court where such writ shall be returned to, and shall oblige their attendance at the same court; and in case any witness summoned or attached, who being present, shall refuse or delay to give his evidence, such witness shall be committed to jail, there to remain till he shall willingly do the same.

By 1782, ch. 40, they may be fined twenty pounds for non-attendance in the county courts.

No person interested to serve.

SEC. 9. *And, to prevent partiality in jurors, Be it enacted, by the authority, advice and consent aforesaid*, That no sheriff shall summons any person to serve as a petit juror in any court what-