

and direct process to issue on any presentment or indictment found in the said court, or on any petition or complaint exhibited to the said court; and he may direct subpoenas to issue for witnesses to attend the said court, or attachments of contempt to issue against witnesses or jurors for non-attendance; and he may direct any witness to be sworn to the grand jury, and receive any presentment or indictment from the grand jury, and take recognizances for the appearance of witnesses, or any person presented or indicted, and he may commit any person presented or indicted, for want of security; and any two of the said justices may adjourn the said court to any time they may think proper.

C H A P.  
XLIV.

VI. **And be it enacted,** That the sheriff of the said county, for the time being, shall summon forty-eight good and lawful men of his county, six days before the day appointed for the holding of the said court, as grand and petit jurors, and shall return a pannel of them accordingly; and if the said sheriff shall neglect to summon and make return of the best and most capable men in his county for grand and petit jurymen, he shall, for every such neglect, be fined by the said justices not exceeding one hundred pounds current money, to be applied towards defraying the county charge; and every person who shall be so summoned, and shall neglect or refuse to appear at the day, and make default, shall be fined by the said justices not exceeding ten pounds current money, to be applied as aforesaid; and every grand and petit juror shall have an allowance of five shillings current money for every day's attendance, to be assessed and collected with the county assessment; and each of the said justices shall be allowed ten shillings current money for every day's attendance, to be assessed and collected as aforesaid.

Sheriff to  
summon ju-  
rors, &c.

VII. **And be it enacted,** That all commitments and recognizances for all felonies and other crimes, offences and misdemeanors, committed in the said county, and triable, in virtue of this act, before the said justices, shall be returned, from time to time, by any justice of the peace of the said county taking such recognizance, before the justices aforesaid; and any justice taking such recognizance, shall lodge the same with the clerk of the said court on the day next before the day appointed for the holding of the said court, and the offenders and witnesses bound in such recognizance, shall be obliged to appear by virtue and according to the condition thereof.

Commit-  
ments, &c.  
may be re-  
turned by any  
justice, &c.

VIII. **And be it enacted,** That every person summoned as a witness to attend the said court, and making default, shall be fined by the justices aforesaid, in their discretion, not exceeding ten pounds current money, to be applied as aforesaid; and on default of any witness, the said justices may award process of attachment, and, by virtue thereof, the sheriff of the said county shall be obliged to have the body of such witness, and may compel his attendance, before the same justices.

Witnesses to  
attend under  
penalty, &c.

IX. **And be it enacted,** That it shall and may be lawful for the said justices to allow to every person legally summoned to give evidence before them, five shillings current money for every day's attendance, and if such witness resides out of the said county, the said justices may allow him for so many days itinerant charges as they shall think reasonable, at the rate of five shillings current money per day, and the same shall be paid in the same manner as allowances to witnesses in criminal cases are, or shall be, by law, directed to be paid.

Their allow-  
ance, &c.

X. **And be it enacted,** If any free male person, or any male servant or apprentice, shall be convicted before the said justices of any of the crimes following, to wit: Any felony, with or without benefit of clergy; or manslaughter; or petty larceny; or an assault, with an intent to rob, murder, or commit a rape; or sodomy; or breaking a dwelling-house in the day time, with an intent to murder or commit a felony therein; or breaking a store-house, warehouse, or other out-house, in the day or night, with an intent to commit murder or felony therein; or receiving stolen goods, knowing them to be stolen; or forgery or perjury, at common law, or by act of assembly, or by statute introduced into this state before the fourth day of July, seventeen hundred and seventy-six; or subor-

Justices may  
pass judgment  
on free male  
persons, &c.  
for certain of-  
fences, &c.

nation