

Passed 3d of
June, 1715.

An ACT causing grand and petit jurors and witnesses to come to the provincial and county courts, and ascertaining their allowances.

Lib. LL. No. 4. fol. 203.

Sheriffs to send
jurors to the
provincial
court, &c.

BE IT ENACTED, by the King's most excellent majesty, by and with the advice and consent of his majesty's Governor, Council and Assembly of this province, and the authority of the same, That after the publication hereof, the several and respective sheriffs of the several and respective counties within this province, shall cause to come before the justices of the provincial court two men of the best and most understanding freeholders of each respective county, to serve as grand jurors, and three such like good and lawful men of each respective county to serve as petit jurors, at every provincial court, and the said sheriff shall return pannels accordingly, and twenty days notice shall be given by the sheriffs to the jurors before the day of their appearance, and such sheriff or sheriffs as shall make default, shall be fined by the justices of the provincial court one thousand pounds of tobacco, to his majesty, his heirs and successors, for the support of the government of this province.

And to the
county courts,
&c.

II. AND BE IT FURTHER ENACTED, by the authority aforesaid, by and with the advice and consent aforesaid, That the several sheriffs of the several and respective counties aforesaid, shall cause to come before the justices of the several and respective county courts, a competent and sufficient number of good and lawful men, of the best and most understanding freeholders of their several and respective counties, to serve as jurors of the several and respective county courts, and the several sheriffs shall return pannels accordingly, and give notice to such freeholders ten days before the day of their appearance at the said county courts; and such sheriff or sheriffs as shall make default, shall be fined by the justices of the county courts five hundred pounds of tobacco, to his majesty, his heirs and successors, for the support of the government of this province.

Penalty for not
attending, &c.

III. AND BE IT FURTHER ENACTED, That every person or persons, freeholders, returned by the several sheriffs to serve as jurors at the provincial courts, and having such notice of the day of his or their appearance as aforesaid, and shall not appear at the day, but make default, shall be fined by the justices of the provincial court one thousand pounds of tobacco; and every person or persons, freeholders, returned by the several sheriffs of the several county courts, to serve as jurors at the said county courts, and having such notice of the day of his or their appearance as aforesaid, and shall not make his or their appearance at the day, but make default, shall be fined by the justices of the county courts five hundred pounds of tobacco, to his majesty, his heirs and successors; both the said fines to be to his majesty, his heirs and successors, for the support of the government of this province.

Proviso.

IV. 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.

Penalty on wit-
nesses for not
attending, &c.

V. 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