

THOMAS SIM LEE, Esquire, Governor.

1793.

C. H. A. P. LVII.

shall return a pannel of them accordingly; 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 seven shillings and six-pence 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 twenty shillings current money for every day's attendance, to be assessed and collected as aforesaid.

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.

Commitments, &c. to be returned, &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 allowance, &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 subornation of perjury; or of being accessory to any of the said crimes to which by law there can be an accessory; that the said justices may pass such judgment as the law requires for such crimes; or they may, in their discretion, adjudge any free male person, or any male servant or apprentice, convicted before them of any of the crimes above enumerated, to serve and labour for any time, in their discretion, not exceeding seven years for the same crime, on the public roads of the said county, or in making, repairing, or cleaning the streets or basin of Baltimore-town; and the said justices may procure a proper place or places for the confinement of such criminals, and may appoint and employ a fit and proper person or persons to take care of such criminals, and to keep them (and if necessary secure them in irons) to constant and hard labour, according to their age, health, and strength of body, and to cause the said criminals to be cloathed with necessary and coarse apparel, and fed with bread and coarse meat, and water, and not allowed any kind of strong liquor, except only as a medicine, by the prescription of a physician, who may be employed by the said justices to attend and furnish medicines to the said criminals; and the said justices may compel any of the said

Justices may pass judgment on free male persons, &c.

cont. to 1805
by 1802 ch 100