

persons as a witness or witnesses will be material to the hearing of such information, to issue his summons to any such person or persons, witness or witnesses to appear and give evidence on oath before himself, and such other Justice or Justices as shall hear and determine such information or complaint, the time and place of hearing and determining the same being specified in the said summons; and if any person or persons so summoned shall not appear before the said last mentioned Justices at the time or place so specified in the said summons, and shall not offer any reasonable excuse for the default to the satisfaction of the said last mentioned Justices, or appearing according to the directions of the said summons, shall not submit to be examined as a witness or witnesses, then and in every such case it shall be lawful for such last mentioned Justices and they are hereby authorized, (proof on oath in the case of any person not appearing according to such summons, having been first made before such last mentioned Justices of the due service of such summons on every such person, by delivering the same to him or to her or by leaving the same at the usual place of abode of such person, *twenty-four hours* at the least before the time appointed for such person to appear before such last mentioned Justices,) by warrant under the hands and seals of such last mentioned Justices, to commit such person or persons so making default in appearing, or appearing and refusing to give evidence, to some prison within the jurisdiction of the said Justices, there to remain without bail or mainprize for any time not exceeding *fourteen days*, or until such person or persons shall submit to be examined and give evidence.

Power to levy Penalties by distress.

XI. And be it enacted, That all Justices of the Peace shall, and are hereby empowered, on the conviction of any person or persons for any offence against this Act, in default of payment of any penalty or forfeiture, together with the reasonable costs and charges attending such conviction, to cause the same to be levied by distress and sale of the goods and chattels of the offender, or offenders, by warrant or warrants, under the hands and seals of such Justices, together with the reasonable costs of such distress and sale, and in case it shall appear to the satisfaction of such Justices, either by the confession of the offender or offenders, or by the oath of one or more credible witness or witnesses, that he, she, or they bath not or have not goods or chattels within the jurisdiction of such Justices, sufficient whereon to levy all such penalties or forfeitures, costs and charges, such Justices may, without issuing any warrant or distress, commit the offender or offenders to the common gaol for three calendar months (unless the same be sooner paid), in such manner as if a warrant of distress had been issued and a return of *nulla bona* made thereon.

A partner not to be liable in person for the offence of his Copartner, but the partnership property to be so liable.

XII. And be it enacted, That no person shall be liable to be convicted of any offence against this Act, committed by his or her copartner in trade, and without his or her knowledge, privity or consent; but it shall be lawful when any penalty or any sum, for wages, or any other sum, is ordered to be paid under the authority of this Act, and the person or persons ordered to pay the same shall neglect or refuse to do so, to levy the same by distress and sale of any goods belonging to any copartnership, concern or business in the carrying on of which such charges may have become due, or such offence may have been committed; and in all