

An Act for ascertaining the Allowance of Petit Jurors attending the Provincial Court, to limit Costs with respect to Witnesses, and for settling their Allowance as to itinerant Charges. Liber B.L.C.  
No. 2

Whereas the Allowance heretofore made Petit Jurors attending the Provincial Court is so small, that the same is not sufficient to maintain such Jurymen during the Time of their Attendance: In order therefore, that a reasonable Provision may be made for such, it is humbly prayed that it may be Enacted; [Preamble.]

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this Session of Assembly, as often as any Person or Persons shall be summoned to attend as Petit Jurors, at the Provincial Court of this Province, there shall be allowed to every such Person, so summoned and attending the Provincial Court aforesaid, in lieu and stead of all or any Allowance or Allowances by any former Act or Acts of Assembly of this Province, the Quantity of forty-eight Pounds of Tobacco per Day, for every Day any such Petit Juror or Jurors shall attend the Provincial Court aforesaid, in the Public Levy of this Province, and be paid in the respective County or Counties where such Juror resides, besides the Quantity of ninety-six Pounds of Tobacco, to be allowed every full Jury that shall pass their Verdict in any Cause, to be paid by the Party for whom such Verdict shall pass, and be allowed in the Bill of Costs as usual, and no more; any Law, Statute, or Usage, to the contrary in any wise notwithstanding. [Allowance  
to Petit  
Jurors in the  
Provincial  
Court.]

And whereas it is and has been a frequent Practice among Parties to Suits, to summon several Witnesses to the Proof of one and the same Matter of Fact in a Cause, and many others who really know nothing of the Fact, and are summoned only to enhance the Costs, to the great Burthen and Oppression of the Party who, by the Judgment of the Court in such Cause, is awarded to pay the Costs of such Suit: For Prevention whereof for the future, Be it Enacted, That in any Bill of Costs, in any Action or Actions to be commenced after the End of this Session of Assembly, there shall not be allowed the Charge of above three Witnesses to the Proof of any one particular Matter of Fact, or any other Witness or Witnesses, that shall appear to the Court to have been unnecessarily summoned. [No more  
than three  
Witnesses to  
be allowed  
in the Bill  
of Costs.]

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And whereas there is not by any Law now in being, Provision made for allowing itinerant Charges to Witnesses, who may be summoned and attend to testify at the Assizes or County Courts, residing in a different County than that where such Court of Assize or County Court shall be held, to which he, she, or they, shall be summoned to give Evidence: Be it further Enacted, That where any Person shall be summoned to attend as a Witness, to testify at the [Itinerant  
Charges  
allowed to  
Evidences  
residing in  
other  
Counties.]