

C H A P.
XXXVII.Appearing
and refusing
to give Evi-
dence, may
be commit-
ted.

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 ſummoned or attached, who being preſent, ſhall reſuſe or delay to give his Evidence, ſuch Witneſs ſhall be committed to Jail, there to remain till he ſhall willingly do the ſame.

Every Pro-
vincial Grand
Jury, to be
allowed 3000
lb Tobacco,
in the Public
Levy.

VI. And for the aſcertaining the Expences of Jurors and Evidences; **Be it Enacted**, That it ſhall and may be lawful for his Maſteſty's Juſtices of the Provincial Court of this Province, to allow unto the Grand Jurors that ſhall ſerve in the Provincial Court, towards the defraying the Expences of the ſaid Jurors, for every Court they ſhall attend, any Quantity of Tobacco, not exceeding Three Thouſand Pounds of Tobacco, at the Diſcretion of ſuch Juſtices, to be paid out of the Public Levy of this Province.

Every Coun-
ty Grand Ju-
ry, to be al-
lowed 500 lb
Tobacco, in
the County
Levy.

VII. And be it alſo **Enacted**, That it ſhall and may be lawful for the Juſtices of the ſeveral and reſpective County Courts of this Province, to allow unto the Grand Jurors that ſhall ſerve in the ſeveral and reſpective County Courts, any Sum of Tobacco, at the Diſcretion of the ſaid Juſtices, not exceeding Five Hundred Pounds for each Court they ſhall ſerve; to be paid out of the ſeveral and reſpective County Levies.

Allowance to
Juries. See
the Note be-
low.

VIII. And be it further **Enacted**, That it ſhall and may be lawful for the Juſtices of the Provincial Court, to allow unto every Petit Juror ſummoned to ſerve in the ſame Court, the Sum of * Thirty Pounds of Tobacco for every Day ſuch Juror ſhall attend in ſuch Service, to be paid them in the Public Levy, beſides the Sum of † One Hundred and Twenty 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 Coſt as uſual: And that the Clerk of the Provincial Court, for the Time being, lay a Liſt of all Perſons that ſerved as Petit Jurors in the Provincial Court; with an Account of the Number of Days they attended, and the Counties they were returned for, before the Committee for laying and apportioning the Public Levy yearly, under the Penalty of Six Thouſand Pounds of Tobacco, to the King, his Heirs and Succeſſors, for Support of Government; to be recovered by Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed; for which he ſhall be allowed in the Public Levy, Two Hundred Pounds of Tobacco, and no more.

* 48 lb Tobacco *per Diem*, in lieu of all Allowances by any former Act, 1760, *ch.* 16, §. 2.

† 96 lb Tobacco to every full Jury. *Ibid.*

See 1719, *ch.* 3, §. 2, for the Penalty on Perſons giving more to a full Jury than 120 Pounds of Tobacco, or 12 Shillings in Money.

No Perſon to
ſerve as a Pe-
tit Juror in
any Court
where he hath
an Iſſue de-
pending for
Trial the
ſame Court.

IX. And to prevent Partiality in Jurors, **Be it Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That no Sheriff ſhall ſummons any Perſon to ſerve as a Petit Juror in any Court whatſoever, where he hath Knowledge ſuch Perſon hath any Matter of Fact depending for Trial at the ſame Court he is ſummoned to ſerve in; and that no Perſon having ſuch Matter of Fact depending for Trial as aforeſaid, ſhall be admitted as a Qualified Juror, between Party and Party, during the Sitting of ſuch Court that ſuch Matter of Fact ſhall be, or expected to be tried in.

Allowance to
Witneſſes, in
the Provin-
cial Court,
40 lb To-
bacco *per
Diem.*

X. And be it further **Enacted**, *by the Authority, Advice and Conſent aforeſaid*, That it ſhall and may be lawful for the Juſtices of the Provincial Court to allow unto every Perſon or Perſons, that ſhall be legally ſummoned to give their Evidence in the ſaid Courts, the Sum of Forty Pounds of Tobacco, and no more, for every Day they attend at ſuch Court, together with their itine- rant Charges, as uſual, to be allowed by the Court, and paid by the Perſon ſummoning them, and to be charged in the Bill of Coſt, in Caſes of *Mcum* and