

soever, 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.

It is no cause for arrest of judgment, or for new trial, if they serve as jurors. October, 1778, ch. 21, sec. 2.

SEC. 10. *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 itinerant 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 *meum* and *tuum*, and in all cases criminal, to be paid according to the directions of the act of assembly of this province for speedy trial of criminals, and for the payment of their fees; and that it shall and may be lawful for the justices of the several and respective county courts of this province to allow unto every person or persons that shall be summoned to give their evidence in their several and respective courts, in any action or controversy depending in the said courts, the sum of thirty pounds of tobacco for every day they attend as an evidence, until such cause shall be ended, and no more, to be paid in the same manner as evidences that attend the provincial court are herein before directed to be paid.

Allowance
to witnesses
&c.

This is reprinted for its direction to the court to tax the attendance of witnesses in the bill of costs. The per diem allowance to witnesses was reviewed in 1797, ch. 94. It is not now uniform. Local laws applicable to particular counties, now graduate the per diem.

CHAPTER 40.

AN ACT directing the manner of Suing out Attachments in this province, and limiting the extent of them.

Supplements and other laws are 1795, ch. 56; 1817, ch. 138; 1820, ch. 198; 1824, ch. 74; 1825, ch. 114; 1828, ch. 50; 1831, ch. 321; 1832, ch. 280, 307; 1834, ch. 79, 189; 1835, ch. 201; 1837, ch. 246.

WHEREAS it is highly expedient to settle the manner of proceedings on attachments, and limiting the extent of them, and to provide what shall be levied on such attachments and executions;

Preamble.

SEC. 2. *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 from henceforth no attachment shall issue out of

No attach-
ment to
issue, &c.