

witnesses summoned or attached, who being present, shall refuse or delay to give his evidence, such witnesses shall be committed to gaol, there to remain till he shall willingly do the same.

C H A P.
XXXVII.

VI. AND for the ascertaining the expences of jurors and evidences, BE IT ENACTED, That it shall and may be lawful for his majesty'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.

Provincial
grand jurors to
be allowed, &c.

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.

County court
jurors allow-
ance.

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.

Allowance to
petit juries.

See 1719, ch. 3, section 2, for the penalty on persons giving more to a full jury than 120 pounds of tobacco, or 12 shillings in money.

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.

No person in-
terested to
serve.

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 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 act is inserted at large, but most of its provisions respecting the summoning of Jurors, their fees, and those on witnesses, Passed 3d of February, 1777, ch. 15; October, 1777, ch. 16, March, 1778, ch. 8, October, 1778, June, 1715, ch. 21, October, 1780, ch. 18, April, 1782, ch. 40, 1793, ch. 29, 1796, ch. 33, 1797, ch. 87, ch. 94, 1798, ch. 5.

C H A P. XXXVIII.

An ACT ascertaining the gauge and tare of tobacco hogsheads, and to prevent cropping and defacing tobacco taken on board ships or vessels upon freight, and for laying impositions on tobacco per the hoghead for the support of government, and for encouraging settlements in this province by ascertaining the manner of paying the alienation fines and quit-rents to the lord proprietary of this province, on the conditions therein mentioned. Lib. LL. No. 4. fol. 206.

To remain in force till the end of the next session which should happen after the 10th May next ensuing. Expired.