

County where the Fact hath arisen or shall arise; any Law, Usage, or Custom, to the contrary notwithstanding.

And Whereas, Justice may be delayed, or People lose their Rights for want of the Testimony of Witnesses, who may happen to be so sick or impotent, as to be unable personally to attend at the Tryal of Causes, to give their Evidence, *viva voce*, without apparent Hazard of their Lives or Healths.

*Be it therefore Enacted, by the Authority, Advice, and Consent, aforesaid,* That where any Witness shall be summoned by any Plaintiff or Defendant, and shall be really so impotent, sick, or infirm, that he or she shall not be able to attend, according to such Summons, without the apparent Hazard of the Life or Health of such Witness (to be made appear to the Satisfaction of the Court), that then and in every such Case, the Party summoning such Witness may have the Affidavit on Oath, or Affirmation if the Witness be a Quaker, of such sick or impotent Witness, taken before any Magistrate not being of kin to the Parties, and that any Affidavit so taken, the adverse Party always having timely Notice and Opportunity to cross examine such Witness, shall be received as Evidence on the Tryal of the Cause wherein such Witness shall be summoned, as if the Witness was present, and should deliver his or their Testimony *viva voce*; any Law, Usage, or Custom, to the contrary notwithstanding. *Provided always,* That if any such Witness shall wilfully and corruptly swear or affirm falsely, that then, and in every such Case, he or she shall be liable to the same Prosecution, Penalty, and Forfeiture, as Persons guilty of, or committing corrupt and wilful Perjury are liable to.

*And be it further Enacted,* That the Provincial Court shall be held, during the Continuance of this Act, on the Third Tuesdays in *October* and *May*, Yearly, at the City of *Annapolis*.

*And be it Enacted by the Authority, Advice, and Consent, aforesaid,* That that Part of an Act of Assembly Entituled, *An Act causing Grand and Petit Jurors to come to the Provincial and County Courts, and ascertaining their Allowances,* made at a Session of Assembly begun and held at the City of *Annapolis*, the Twenty-sixth Day of *April*, *Anno Domini*, Seventeen Hundred and Fifteen, which relates to summoning Grand and Petit Jurors to attend at the Provincial Courts, be, and is hereby repealed and made void.

*And be it further Enacted by the Authority, Advice, and Consent aforesaid,* That the Secretary for the Time being shall cause every Record that shall be ordered by any Attorney of the Provincial Court, to be made out for any Tryal of any Issues at the Assizes, to be transmitted to the Clerk of Assize of the Circuit where the Issue is to be tried, (who is by this Act obliged to receive and carry the same to the Circuit) before the Assizes for that Shore, where the Issue is to be tried, begins, under the Penalty of paying unto the Party that suffers, for Want of the Record being transmitted, such Costs and Damages as shall be by the Justices of his Lordship's Provincial Court, judicially sitting, ordered and adjudged; which said Justices are hereby, upon Complaint made

Affidavit of Witnesses unable to attend the Assizes, as valid as if the Deposition of such Witness was personally given in Court.

Time of Provincial Courts.

Part of an Act repealed.

Duty of the Secretary in Regard to Records.