

Sheriff of
Anne Arundel
County to re-
turn 24 Per-
sons, out of
whom is to
be impanelled
a Jury.

be it Enacted by the Authority aforesaid, That it shall and may be law-
for the Justices of the Provincial Court, for the expediting the Causes to be
tried before them, to order the Sheriff of *Anne Arundel* County, immedi-
ately to summon a compleat and sufficient Number of good and lawful Men
de Circumstantibus, and not less than Twenty-four in Number, to serve as
Jurors, and return a Pannel of them, for the Tryal of any Issue to be
had and tried before the said Justices of the Provincial Court, and that they
shall be ballotted in the same Manner that Petit Jurors are before by this
Act directed to be at the Assizes; and that the first Twelve Jurors that
shall be drawn, shall be the Jury to try the Cause, unless some legal Ex-
ception, by either Plaintiff or Defendant, be made against any of the said
Twelve Jurors; in which Case, others in their Room shall be in like Man-
ner drawn, in the Stead of those to whom legal Exception shall be made.
Provided, That where any Presentment shall be found by the Grand Jury,
at any Court of *Oyer and Terminer*, for a Matter triable by the County
Court, and that shall by the Justices of *Oyer and Terminer*, be referred to
the County Courts for Tryal, the Party presented shall not be obliged to pay
any Fees or Charges, except what shall arise in the Prosecution in the Coun-
ty Court; any Law, Usage, or Custom, to the contrary notwithstanding.
Saving to all Persons accused before the Justices of the County Courts, the
Benefit of Writs of Removals to, and Tryals in, the Provincial Courts, or
before the Justices of *Oyer and Terminer*, and Goal-Delivery.

XVIII. AND whereas, by an Act for the Advancement of Justice, it
is Provided and Enacted, That in all Actions to be commenced in the Pro-
vincial Court, for the Recovery of any certain Sum of Money or Tobacco,
within the Jurisdiction of that Court wherein the Plaintiff shall be desirous
of a speedy Tryal, that if the Plaintiff should send a Copy of the Declaration
in the Case, with the Writ, and cause the same to be served on, or delivered
to the Defendant, or left at his or her last Place of Abode, Twenty Days at
the least before the Appearance Court, it should be lawful for the Justices of
the said Court, and they are by that Act required to proceed to Tryal the
same Court; and if the Defendant should refuse or neglect to answer or
plead, to render Judgment for the Plaintiff, with Cost of Suit, unless suffi-
cient Cause should be shewed by the Defendant why there should be an Im-
parlance; and that as Jurors are not summoned to the Provincial Courts,
but the Facts tried in the several Counties where they have arisen, or shall
arise, so that when the Defendant pleads any Matter of Fact triable by a
Jury, the Issue cannot be tried at the Appearance Court:

Where the
Cause is to be
tried when no
Occasion ap-
pears for an
Imparlance.

XIX. *BE it therefore Enacted and Declared,* That where Copies of Decla-
rations are served, or left according to the Directions of the said Act, and no
sufficient Cause shewn for an Imparlance, and that the Defendant should
plead a Matter of Fact which is required to be done at the Appearance Court,
that then and in such Case, the Fact shall be tried at the first Assizes that
shall happen after the Appearance Court in the County where the Fact hath
arisen or shall arise; any Law, Usage, or Custom, to the contrary notwith-
standing.

Affidavit of
Witnesses un-
able to attend
the Assizes, as
valid as if the
Deposition of
such Witness
was personal-
ly given in
Court.

XX. 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