

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 *visu voce*; any Law, Custom, or Usage, 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.

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

Time of Provincial Courts

XXII. *AND be it further 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and Fifteen, which relates to summoning Grand and Petit Jurors to attend at the Provincial Courts, be, and is hereby repealed and made void.

Part of an Act repealed.

XXIII. *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 by this Act is 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 to 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 to them, required after a summary Manner, to proceed to Judgment thereon.

Duty of the Secretary in Regard to Records.

XXIV. *PROVIDED always*, That the Secretary shall not be obliged to answer any Damages or Cost, to any Person by Virtue of this Act, unless Orders in Writing for transmitting the Record as aforesaid, be left with the Clerk of the Provincial Court, at least Thirty Days before the Beginning of the Assizes on the Shore where the Issue is to be tried.

Provido.

XXV. *AND be it likewise Enacted*, That the several Allowances and Penalties herein before mentioned to be made to the Judges and Jurors in Tobacco, shall and may be paid by the Inhabitants of this Province, in Current Money, in the same Manner as other Public and County Levies and Charges are payable.

Allowance to Judges, &c. may be paid in Money.

XXVI. *AND be it further Enacted*, That all Actions now depending in the Provincial Court, of what Nature soever, shall be, and are, by this Act, continued, until the Third Tuesday in *May* next, and that all Writs, Procees, and Precepts, already issued, or to be issued, out of the Provincial Court, returnable to the Second Tuesday of *April*, shall be returnable to the said Third Tuesday in *May*; and that all Sheriffs, Coroners, and other Officers, that have arrested, or shall arrest, any Person or Persons, by Virtue of any Writ or Procees, returnable to the Second Tuesday of *April*, shall be under the same Obligation, to have the Party arrested, at *Annapolis*, the Third Tuesday in *May*; and that all Bail Bonds, taken by any Sheriff or Coroner, for the Appearance of any Person or Persons, at the Second Tuesday

Writs, &c. returnable, to be return'd in *May*.

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