

speedy Trial, 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 Trial 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 sufficient Cause should be shewed by the Defendant why there should be an Imparance; 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; **Be it therefore Enacted and Declared, That** where Copies of Declarations are served, or left according to the Directions of this Act, and no sufficient Cause shewn for an Imparance, 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 notwithstanding.

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Where the Cause is to be tried when no Occasion appears for an Imparance.

XVIII. **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 the Trial of Causes, to give their Evidence *vivâ 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 be unable 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 Trial of the Cause wherein such Witness shall be summoned, as if the Witness was present, and should deliver his or their Testimony *vivâ 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.

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

XIX. **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.

XX. **And be it further Enacted, by the Authority, Advice, and Consent aforesaid,** That that Part of an Act of Assembly, entitled, *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 the Provincial Courts, be, and is hereby repealed and made void.

Part of an Act repealed.

XXI. **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

Duty of the Secretary in Regard to Records.