

until there shall be no more left than will make up the deficiency, and if any of them do not appear, or are set aside on challenge, the parties, or their attorneys, may again strike out, as before, and so, toties quoties, in like manner, until a jury be obtained; and the jurors so struck shall be empannelled, and sworn at the jury to try the cause.

XVII. *And be it enacted*, That on the application of either plaintiff or defendant the general court may, in their discretion, in any action between merchant and merchant, or between any merchant and his factor or agent, respecting mercantile dealings and transactions between them that are of great importance, and intricate from the length or multiplicity of items or particulars, or that will probably involve some new and difficult question of law, and also in other special and similar case of difficulty and intricacy, (although not between merchants, or a merchant and his factor or agent,) issue a special *venire facias*, directed to the sheriff of any county, or, if necessary, to sheriffs of different counties of the shore where such action is to be tried, to summon and return a jury of merchants to attend the said court on a day to be appointed and mentioned in such writ, for the trial of such cause, and such sheriff shall, in virtue of such precept, summon and return twenty-four, or such number as the court shall direct, of the most respectable and experienced merchants of his county, citizens of this state, above the age of twenty-five, and under fifty-five years, and having a freehold of above one hundred acres of land in his county, or property in the county assessed to above five hundred pounds current money, and out of the said jurors, or such of them as shall appear, a jury may be agreed on or struck in the manner herein before directed, and the jury so agreed on or struck shall be empannelled and sworn as the jury to try such cause; and all the expence of such jury shall be paid by the parties equally, or in such proportion as they shall agree, but if they do not agree, then the whole expence shall be paid by the party applying for such jury; and if any person returned shall not appear, or after appearance shall wilfully withdraw from the presence of the court, such person so offending may be fined by the court, in their discretion, not exceeding the sum of fifty pounds current money.

XVIII. *And be it enacted*, That the sheriffs of the several counties for the time being shall annually, and upon the first day of the sitting of their respective county courts in the spring of the year, return an alphabetical and true list, in writing, of the christian and surnames of all persons in their respective counties, qualified, according to this act, as grand and petit jurors in the general court, to their respective county courts, and the said courts are hereby required carefully to examine the said list, and diligently to inquire if any persons qualified to be jurors are omitted, and whether any persons not qualified to be jurors have been inserted, and if they find that any have been omitted, they shall order the sheriff to add them to the list, and if they find that any have been inserted by mistake, who ought to be omitted, they shall order the sheriff to strike out such person from the said list; and to obtain full information on this subject, the said courts may examine the said sheriff, and his deputies, or any other persons, (on oath or affirmation,) and if it shall appear to the said courts, that the said sheriff wilfully omitted out of any such list any person or persons whose name or names ought to be inserted, or that the said sheriff wilfully inserted any person or persons who ought to be omitted, the said courts shall fine the said sheriff for every person so omitted or inserted in such list contrary to the meaning of this act, not exceeding five pounds current money; and if any sheriff shall take any money, or other reward, for omitting or inserting any person in his said list, such sheriff shall forfeit not exceeding fifty pounds current money for every such offence; and the said county courts shall direct the clerk of their county immediately to enter such list (with the corrections, if any,) among the proceedings of the said court; and the said clerk shall forthwith thereafter deliver the original list (with the corrections, if any,) to the sheriff of his county, for his government in returning of grand and petit jurors to the general court; and such sheriff, immediately on receiving the said list, shall cause the same to be entered faithfully, fairly, and alphabetically, in a book to be kept by him for that purpose, and such sheriff shall deliver the said original list to the clerk of the general court; and if any clerk of any county, or any sheriff, shall neglect any duty above required, such clerk or sheriff shall forfeit not exceeding fifty pounds current money for every neglect; and if any sheriff shall summon and return any person to serve as a grand or petit juror to the said court, whose name is not inserted in such list, such sheriff shall forfeit not exceeding fifty pounds current money for every offence; and every sheriff shall enter or register in a book to be kept by him for that purpose, in alphabetical order, the names of such persons as shall be summoned, and shall serve as jurors; and the said sheriffs shall so conduct themselves in summoning the respective jurors from those whose names are entered in the said list, as to prevent, as far as possible, a burthen or hardship from falling on individuals, as far as is consistent with his chief duty of returning the most capable and best qualified as he is herein before required; and if any sheriff, or his deputy, shall, directly or indirectly, take or receive any money, or other reward, to excuse any person from serving, or being summoned to serve, as a grand or petit juror to the general court, or under that colour or pretence, such sheriff, or deputy sheriff, so offending, shall forfeit fifty pounds current money for every offence; and every sheriff, on going out of office, shall deliver to his successor (when required,) the book containing the said list, and the register of the service of the said jurors during his being in office, under the penalty of fifty pounds current money, and

on the death of any sheriff, his executor or administrator shall also (on demand) deliver to the successor the said list and register, under the penalty of fifty pounds current money; and any of the said fines may be imposed by the general court on any clerk, sheriff or his deputy, or on the executor or administrator of any sheriff, on examination and proof of such offence in a summary way; and the levy courts of the said counties may make such allowance to the said sheriffs and clerks, for the execution of the aforesaid duties, as they may think reasonable.

XIX. *And be it enacted*, If any person not qualified to serve on juries according to this act, or exempted from such duty, shall find his name mentioned in such list, or being qualified, shall be so circumstanced in other respects as to make it improper to summon him as a jurymen, such person may apply to the county court to which such list was returned, and the said court, upon satisfaction, by the oath of the party complaining, or other proof, that he is not qualified to serve, or that he is exempted, or ought to be exempted from serving as a jurymen, shall order his name to be struck out or omitted in such list, and on producing a certificate of such order to the sheriff, he shall immediately strike such person out of his list.

XX. *And be it enacted*, If by any means of challenges, or default of jurors, a sufficient number of jurors shall not appear, in any criminal or civil case, the general court may award a tales, directed to the sheriff of Anne-Arundel county, or to the sheriff of Talbot county, as the case may be, to summon and return so many of his county as will make up a full jury, and the said tales shall be liable to the same challenges as the principal jurors; and if any person returned shall not appear, or after appearance shall wilfully withdraw from the presence of the court, such person so offending may be fined by the court, in their discretion, not exceeding the sum of twenty pounds current money.

XXI. *And be it enacted*, That the sheriffs of the respective counties in this state shall summon and return, as grand and petit jurors to their respective county courts, the best and most capable persons mentioned in the list above directed to be taken, subject to the same provisions and penalties respecting the same, prescribed in their duty in summoning the jurors to attend the general court; and a special jury may be selected or struck in any county court, at the request of the plaintiff or defendant, in the same manner as above provided in the general court.

XXII. This act to continue for seven years, and until the end of the next session of assembly thereafter.

By the senate, December 2, 1795: Read the first time and ordered to lie on the table.

By order,

H. WARFIELD, clk.

By the senate, December 16, 1795: Read the second time and will pass.

By order,

H. WARFIELD, clk.

By the house of delegates, December 18, 1795: Read the first time and ordered to lie on the table.

By order,

W. HARWOOD, clk.

By the house of delegates, December 21, 1795: Read the second time and will not pass.

By order,

W. HARWOOD, clk.

By the HOUSE of DELEGATES, December 24, 1795.

On motion, ORDERED, That the register of the land-office for the western shore cause so much of the bill, entitled, An act relative to the proceedings in the court of chancery and in the land-office, as relates to the land-office, to be published for six weeks successively, before the first day of April next, in the Annapolis, Easton, and George-town news-papers, and in one of the Baltimore, Frederick-town, and Elizabeth-town news-papers.

By order,

W. HARWOOD, Ck.

Part of the act relative to the proceedings in the court of chancery and in the land-office.

*And be it enacted*, That in case any warrant for surveying or resurveying land, hath issued or shall issue, and the same hath been or shall be executed by a deputy of the surveyor, authorized to execute the same, and before a certificate of the survey or resurvey shall be made out and signed by the said surveyor he shall die, the said deputy shall have power, within six months after such death, to make out and sign a plot and special certificate, stating the circumstances of the case, with an affidavit of the truth thereof annexed or endorsed, and the said certificate shall be as good and effectual as if made out and signed by the said surveyor, and if any amendment or correction of the said plot or certificate shall be necessary, the amendment or correction shall be made by the said deputy, or such other person as the chancellor, or the judge of the land-office on the eastern shore, as the case may be, shall think proper.

*And be it enacted*, That in case any certificate hath been or shall be made out by any county surveyor, authorized to make the same, under a warrant of survey or resurvey, and the same hath been or shall be duly returned, and an order of the chancellor, or judge of the land-office of the eastern shore, hath been or shall be made for correcting the same, and the surveyor hath resigned or shall resign his office without making out a correct certificate, or correcting the original; the chancellor, or judge of the land-office of the eastern shore respectively, on application of the party, and at his own discretion, may order the correction to be made by the said surveyor, and the cor-

rected certificate made out by the said surveyor shall be as good and effectual as if he had not resigned, and he shall be entitled to such fees as to the chancellor, or judge of the land-office for the eastern shore, shall, under all circumstances, appear reasonable, not exceeding the fees established by law.

*And be it enacted*, That hereafter no original certificate of survey or resurvey under a warrant shall be received in the land-office, unless the same be called by the examiner-general, and returned to the said office before the first day of July next, or within eighteen months from the date of the warrant, and in case any order hath been made for the correction of any certificate of survey or resurvey under a warrant, the corrected certificate shall not be received into the land-office, unless passed by the examiner (if necessary) and returned before the first day of January, seventeen hundred and ninety-seven, and in case any order shall hereafter be made for the correction of any certificate as aforesaid, the corrected certificate shall not be received, unless passed by the examiner (if necessary) and returned within nine months from the date of the order, but nothing in this act contained shall be construed as to extend the time within which a survey or resurvey under a warrant may be made.

*And be it enacted*, That where any certificate of survey or resurvey shall by the examiner-general be found erroneous, or where, on application of the party, the chancellor, or judge of the land office on the eastern shore, may think proper to direct the correction of any certificate, and there is not sufficient time for such correction to enable the party to pay the money within the time required by law, on a tender being made of the money due to the treasurer, three months shall be allowed for the correction of such certificate, and being passed by the examiner-general, and payment made within the said three months, the same shall be valid.

*And be it enacted*, That no certificate of survey or resurvey shall be liable to a warrant of proclamation before the first day of June next.

*And be it enacted*, That in case any certificate of survey or resurvey already made, or hereafter to be made, hath been or may be returned, by which vacant land may be included, and not compounded for agreeably to law, such survey or resurvey shall be liable to be affected by a proclamation warrant, by any person who shall apply for the same, but no proclamation warrant shall hereafter issue on any survey made, or hereafter to be made in this state, unless one tenth part of the land contained in the said survey or resurvey is compounded upon and paid to the treasurer of the western or eastern shore, as the case may be, before such warrant shall issue; provided, that the person claiming the said survey or resurvey shall have one day after the said first day of June, or after the expiration of the warrant of such surveys or resurveys made, or hereafter to be made, as aforesaid, for a proclamation, to pay and compound on the same, and no application shall be received by the register of the land-office for the western or eastern shore respectively, until after such day of pre-emption shall have expired; provided, that nothing herein contained shall be taken or deemed to affect the right of any person who hath already applied for any proclamation warrant, if such person shall take out the said warrant on or before the first day of April next.

*And be it enacted*, That it shall be the duty of surveyors in returning certificates hereafter to express the quantity and quality of the improvements contained on the land included in the survey or resurvey, and subject to the operation of the warrant, with his opinion of the value of the same, and no exception shall hereafter be taken to any certificate of survey, or resurvey made, or which hereafter may be made, by way of caveat in the land-office, on account of improvements not being returned, provided that nothing in this act shall be taken or construed to affect any case now existing on caveat before the chancellor. **6X**

To be SOLD, under a decree of the High Court of Chancery, at PUBLIC SALE, at George-town, on the 15th day of February next,

FIVE copy right negro SLAVES, consisting of three men and two women. Six months credit will be given.

JOHN M. GANTT, Trustee.

## NOTICE.

THE subscriber intends to petition the next Charles county court for a commission, to mark and bound the tract of land, called BOARMAN'S MANOR, lying in Charles county, under an act of assembly, entitled, An act for marking and bounding lands.

JAMES BOARMAN.  
Bryan-town, January 27, 1796.

## An APPRENTICE

Wanted at this Office:

NOTICE is hereby given, that I intend to apply to the justices of Anne-Arundel county court, at the next term, for a commission to mark and bound a tract of land in said county, called THE VENTURE ENLARGED, agreeably to an act of assembly for marking and bounding lands.

BENJAMIN RISTON.  
Anne-Arundel county, January 12, 1796.

ANNAPOLIS:  
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