

til such Jury shall, by Consent of Parties, or Leave of the Court, be discharged; and then their Names shall be rolled up again, and returned to their former Box or Glats, there to be kept, with the other Names remaining at that Time undrawn; and so as often and as long as any Cause shall remain then to be tried. *Provided always*, That if any Cause shall be brought to Tryal, before the Jury in any other Cause shall have brought in their Verdict, or be discharged, it shall and may be lawful for the Court to order twelve of the Residue of the said Papers not containing the Names of any of the Jurors who shall not have brought in their Verdict, or be discharged, to be drawn in such Manner as is aforesaid, for the Tryal of the Cause which shall be so brought on to be tryed.

Proviso.

And to the End that the Sheriffs may be obliged to discharge their Duty, in returning the best and most capable Freeholders to be Jurymen, *Be it Enacted*, That every Sheriff, who shall neglect to return the best and most capable Freeholders for Grand and Petit Jurymen, except as before excepted, shall for every such Neglect be fined by the Justices of Assize at their Discretion, not exceeding twenty-five Pounds current Money of *Maryland*, to be applied to defray the County Charge.

Sheriff's Duty in summoning Jurymen.

*And be it Enacted*, That each Justice of Assize shall be allowed by the Public seven thousand Pounds of Tobacco, to be paid in the Counties respectively where they reside, for every Circuit, and no more.

Allowance to Justices of Assize,

*And be it Enacted*, That it shall and may be lawful for the said Justices to make all such Rules and Orders, as may be convenient and necessary for the Furtherance of Justice and Right, and to impose reasonable Fines, Forfeitures, and Penalties, upon such as shall transgress them. *Provided always*, That such Rules shall be agreeable to the Laws of *England* and this Province; and that all Sheriffs, Bailiffs, and other Officers and Persons whatsoever, shall yield due Obedience to all Proccets, Warrants, and Precepts, that shall be issued by, or returnable to the said Justices.

Who may make Rules and Orders,

Proviso;

*And be it Enacted by the Authority, Advice, and Consent aforesaid*, That the Justices of Assize, *Nisi prius*, and Goal-Delivery, shall, in all civil Cases to be tried before them, where any Person concerned shall desire the same, allow and direct special Verdicts to be found.

And allow special Verdicts.

*And be it further Enacted by the Authority, Advice, and Consent aforesaid*, That the said Justices shall, in all criminal Cases to be tried before them, where any Person or Persons accused or prosecuted shall desire the same, sign and allow Bills of Exception; and that in all Cases where Bills of Exception are allowed, that no Judgment shall be rendered until the next Provincial Court, to the Consideration of which Court it is to be referred; any Law, Usage, or Custom, to the contrary notwithstanding.

Bills of Exception to be allowed.

*And be it further Enacted*, That where any general Verdict shall be found in any criminal Case against any Person before the said Justices, wherein the Judgment is not certainly known, and settled by Law, or wherein the said Justices, or either of them, shall be in any Doubt, or under any Difficulty, what Judgment to give upon such Verdict; that then and in such Case no Judgment shall be given, but that the Judgment be referred to be given on such Verdict to the Consideration of the Provincial Court, who shall and may give Judgment.

General Verdicts, not determined in the Assize Courts, to be referred to the Provincial

And to the End that the Justices of Assize, *Nisi prius*, Oyer and Terminer, and Goal-Delivery, may not be hindered from proceeding in the Decision of Matters not determinable elsewhere (which the Time allowed by Law for their Session is hardly sufficient to dispatch), in hearing petty Offences, tryable in the County Courts, *Be it Enacted*, That all Felonies, Trepasses, and other evil Deeds, tryable in the County Courts by the Laws now in being, shall be tryed, heard, and determined by the County Courts, and not elsewhere; except Affrays, and other Offences to be committed in the View of the Justices of Oyer and Terminer, or during their Sitting.

Petty Offences to be tried in the County Courts.

*Provided always, and be it Enacted by the Authority aforesaid*, That it shall and may be lawful for the Justices of the Provincial Court, for the expediting the Causes to be tryed before them, to order the Sheriff of *Anne Arundel* County immediately to summon a compleat and sufficient Number of good and

Of Provincial Juries.