

Days before the First Tuesdays in *April* and *September* yearly, of his Intention to insist on a Tryal, and that if after such Notice given, the Causes shall be delayed until another Assizes, the Party causing such Delay, shall pay all the Cost and Charge that shall be occasioned thereby.

Grand and
Petit Juries to
be summoned
Ten Days
before the
Assizes begin.

VI. *AND be it Enacted*, That the several Sheriffs shall summons Fifty of the most capable and substantial Freeholders within their Bailiwicks, ten Days before the Assizes shall begin in the respective Counties, as Grand and Petit Jurors; and that every Freeholder that shall be so summoned, and shall neglect or refuse to appear, shall incur the same Penalties and Forfeitures, as Jurors summoned to attend the Provincial Court are liable to, rating Tobacco at Ten Shillings *per* Hundred; and that no Person that is not incapable or disqualified by Law to serve as a Juror, shall have any Exemption, except Countessors, Delegates, Provincial Justices, Clergymen, and practising Physicians or Surgeons; nor shall Grand Jurors be exempt from serving as Petit Jurors in Civil Cases, at the same Assizes of *Oyer and Terminer* and Goal Delivery, they are returned to serve in; and that every Grand Jury shall have an Allowance of Five Hundred Pounds of Tobacco for every Assize, and every Petit Juror Twenty Pounds of Tobacco, for every Day's Attendance, to be assessed in the County Levy as usual, besides the full Fees for Verdicts in Civil Cases.

Manner of
choosing the
Grand Jurors.

VII. *AND* to prevent Partiality by Grand Jurors, *Be it Enacted*, That the Name of every Person summoned as a Juror, shall be written in several distinct Pieces of Paper, being as near as may be of equal Size and Bigness, and shall be delivered to the Clerk of Assize, or such other Person as the said Justices shall appoint; and by the Care of the Clerk, or such Person as shall be appointed as aforesaid, all rolled up as near as may be in the same Manner, and put into a Glass or Box to be provided for that Purpose, and that the said Justices, in open Court, shall direct to be drawn by some indifferent Person out of the said Glass or Box, a sufficient Number for a Grand Jury, and that such Persons as shall be drawn, and then appear, shall be Grand Jurymen, and none others.

Magistrates
not to be of
the Grand
Jury.

VIII. *PROVIDED*, That in Case any of the County Magistrates, or their Clerk, should be drawn, they shall not be of the Grand Jury, but that others shall be drawn in the Place of any Magistrate, or County Clerk, that should happen to be drawn.

Manner of
choosing the
Petit Jury.

IX. *AND* to prevent Partiality in Tryals by Jurors, *Be it Enacted*, That the Name of each and every Person, who shall be summoned and impanelled as a Petit Juror, shall be written in several distinct Pieces of Paper, being as near as may be of equal Size and Bigness, and shall be delivered to the Clerk of Assize, or such other Person as the said Justices shall appoint, and by the Care of the Clerk, or such Person as shall be appointed as aforesaid, be all rolled up as near as may be in the same Manner, and put into a Glass or Box, to be provided for that Purpose; and when any Cause shall be brought on to be tried, some indifferent Person, by Direction of the Court, may and shall, in open Court, draw out Twelve of the said Papers one after another, and if any of the Persons whose Names shall be so drawn, shall not appear, or be challenged and set aside, then such further Number, until the Twelve Persons shall be drawn, who shall appear, and after all Causes of Challenge shall be allowed, as fair and indifferent, and the said Twelve Persons so drawn, and appearing, and approved as indifferent, their Names being marked in the Pannel, and they being sworn, shall be the Jury to try the same Cause; and the Names of the Persons so named, and drawn, and sworn, shall be kept in some other Box or Glass, to be kept for that Purpose, 'til such Jury shall have given in their Verdict, and the same is recorded, or until 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