

returned to their former Box or Glass, 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 tried.

X. 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.

Sheriffs to be fined for neglecting to return proper Persons for Jurors.

XI. *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.

Judges Allowance.

XII. *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 Process, Warrants, and Precepts, that shall be issued by or returnable to the said Justices.

Justices empowered to make Rules and Orders.

XIII. *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.

Special Verdicts.

XIV. *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, 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 allowable.

XV. *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.

Where the Justices are doubtful, Judgment to be referred to the Provincial Court.

XVI. 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, triable in the County Courts;

XVII. *BE it Enacted*, That all Felonies, Trespasses, and other evil Deeds, triable in the County Courts by the Laws now in Being, shall be tried, 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. *Provided always, and*

Matters determinable in the County Courts, to be tried in the County Courts.