

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.

C H A P.
V.
Magistrates
not to be
Grandjurors.

IX. **And** to prevent Partiality in Trials by Jurors, **Be it Enacted**, That the Name of each and every Person, who shall be summoned and impannelled 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 Glass or Box, to be kept for that Purpose, 'till 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 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 there to be tried. *Provided always*, That if any Cause shall be brought to Trial, 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 Trial of the Cause which shall be so brought on to be tried.

Manner of
chusing the
Petit Jury.

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 neg-
lecting to re-
turn 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 Al-
lowance.

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 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 im-
powered to
make Rules
and Orders.

XIII. **And**