

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 first 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, 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 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: 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,

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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.

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

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.

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 and Orders 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.

Be it further Enacted by the Authority, Advice, and Consent aforesaid, That the said Justices shall in all criminal Cases to be tried

Bills of
Exception
allowable.