

the remaining twelve persons shall thereupon be immediately empanelled and sworn as the petit jury in such cause.

10. If the said parties or their counsel, or either of them, shall neglect or refuse to strike out from the said lists the number of persons directed in the preceding section, the court may direct the clerk to strike out from the list of the party so neglecting or refusing the number in said section directed, and the remaining twelve persons shall be empanelled and sworn as aforesaid; but this and the preceding section shall not take away the right of any person to challenge the array or polls of any panel returned in the manner allowed by the laws of this State, or in any manner to change the law in relation to petitions for freedom.

11. The several courts of this State shall at all times have power to direct talesmen to be summoned to serve on juries, where without such talesmen there would not be twenty of the original panel, exclusive of the jury charged, from whom a jury can be formed; or may direct such tales to be summoned whenever by challenging or otherwise a sufficient number of jurors cannot be had to try the case, either civil or criminal.

12. If the parties or their counsel agree, the drawing of a panel of twenty jurors in any cause may be dispensed with.

13. The provisions of the four last preceding sections shall apply to all criminal cases where the right of peremptory challenge is not allowed, and the State's Attorney for the county or city, or the attorney prosecuting for the State, shall strike for the State.

14. Any alien, denizen or foreigner who may be indicted for any offence committed within this State, shall be tried by a jury of the county in the same manner as the citizens thereof, and there shall be no challenge either to the array or the polls for the want of foreigners on the panel or jury that may be returned.

15. The right of peremptory challenge shall be allowed to any person who shall be tried on indictment for any crime or misdemeanor, the punishment whereof by law is confinement in the penitentiary, but the accused shall not challenge more than twenty jurors without assigning cause.