

July 1732

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to 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 said Cause; and the Names of the Persons so named, and drawn, and sworn, shall be kept in some other Box or Glals 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 the former Box or Glals, 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 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.

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, shall, for every such Neglect, be fined by the Justices of Assize, at their Discretion, not exceeding Five Thousand Pounds of Tobacco, to be applied to defray the County Charge.

AND be it Enacted, That each Justice of Assize shall be allowed, by the Publick, Five 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 impole 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.

AND be it Enacted, by the Authority, Advice, and Consent aforesaid, That the Justices of Assize, *Nisi Prius*, and *Gaol Delivery*, shall, in all Criminal and Civil Cases to be tried before them, where any Person concern'd shall desire the same, allow and direct Special Verdicts to be found: And in all Criminal Cases, where the Party accused shall desire the same, to sign and allow Bills of Exception, as they are allowed in Civil Action: And that in all Cases where Special Verdicts are found, and Bills of Exception allowed, that 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.

AND