

shall be held in every year, and before drawing the Petit Jury thereat; and the Lists thereof shall be signed by the presiding Judge, and the Prothonotary shall issue Writs of *Venire Facias* for the summoning of such Juries, and deliver the same to the Sheriff at least Thirty days before the Term or Sittings of the Supreme Court or General Sessions of the Peace at which the Grand Jury are bound to attend, which shall next happen in the ensuing year; and the Jurors being afterwards summoned, and sworn at the said next ensuing Term of the Supreme Court or General Sessions, shall serve on such Grand Jury during the whole of that year.

Choosing Foreman
of Grand Jury,
&c.

IX. *And be it enacted*, That whenever any Grand Jury shall assemble in Court for the first time, and twelve or more thereof shall appear, the Court, before the said Jury shall be sworn, shall direct them to retire and choose their Foreman, to be presented for the approval of the Court; and upon their returning into Court, and presenting for approval the one of their number chosen by them for that purpose, such one, if approved by the Court, shall be sworn as Foreman of such Jury in the usual manner; and in case of such one not being approved and accepted by the Court, the Jury shall again retire and choose another of their number, to be approved and sworn, or rejected in like manner, and so on in the same way until a Foreman shall be chosen, and approved in manner aforesaid.

Drawing Petit Ju-
ries, Lists thereof,
Writs of *Venire*
Facias, &c. &c.

X. *And be it enacted*, That the Prothonotary shall cause the names of all persons on the said Petit Jury List, so made up and returned as aforesaid, to be written on distinct and similar pieces of paper, which shall be then severally folded up and put together in the Petit Jury box, to be kept for that purpose—and from which box the Petit Jury for the County shall be drawn by the Prothonotary, in open Court, at each Term of the Supreme Court for the Term then next ensuing, setting aside the names of all who shall have served on either the Grand or Petit Jury within the two years then next preceding, and of all then serving on, or drawn for, the Grand Jury, and the presiding Judge shall sign the List of such Petit Jury; and the Prothonotary shall issue Writs of *Venire Facias* for the summoning thereof, and deliver the same to the Sheriff at least thirty days before the said next Term.

Penalty for non-
attendance, Grand
Juror 20s., Petit
Juror 10s.

XI. *And be it enacted*, That every person duly summoned as aforesaid, at least four days before the day on which he shall be bound to appear and serve upon any Grand or Petit Jury, and who shall not appear and serve thereon, shall forfeit and pay for every day's default, if a Grand Juror, a Fine not exceeding Twenty Shillings, and if a Petit Juror, a Fine not exceeding Ten Shillings.

Provisions in case of
non-attendance of
Grand or Petit Ju-
rors.

XII. *And be it enacted*, That if from any cause a sufficient number of persons summoned, either as Grand or Petit Jurors, should not be likely to attend in any particular Term, Sessions, or Year, it shall be in the discretion of the Court to return the names of the persons so summoned, or of such of them as the Court may think fit, into the Box as though they had not been drawn, and to draw others in their stead, who shall be immediately summoned by the Sheriff, and bound to attend forthwith, and be subject to all the consequences of non-attendance as before provided, notwithstanding the want of notice for the time before required; and in every case where a full Jury for the trial of any cause shall not appear, or appearing shall, by challenge of either of the parties, or otherwise prove deficient, a *tales de circumstantibus* shall be awarded, and immediately returned at the instance of either party in manner heretofore practised: *Provided*, that no *tales de circumstantibus* shall be awarded, unless at least Seven persons named on the regular panel shall have first answered to their names, except in cases where such *tales* shall be assented to by both parties, or their Counsel.

Proviso.

Right of Challenge.

XIII. *And be it enacted*, That in all cases of the trial of any Issues, Actions, or Prosecutions, Civil or Criminal, by Petit Juries, and of the Assessment of Damages, on the finding of inquisitions by Sheriff's Juries, it shall be the right of the Plaintiff or Prosecutor, and of the Defendant or Prisoner, peremptorily to challenge without