

be summoned in rotation to attend the Court at the time and place to be mentioned in the summons: Provided always, that either of the parties to any such cause shall be entitled to his lawful challenge against any of the said Jury, in like manner as he would in any Superior Court: 5

**Proviso.** Provided also, that if any Jury shall be required to be summoned before the Clerk of the Peace shall have delivered the list of Jurors as aforesaid to the Clerks of the several Division Courts in his County, the Clerks of such Division Courts shall cause to be summoned not less than 10 fifteen resident inhabitant householders who are rated and assessed upon any Township Assessment Roll within his Division; [and any Juryman who after being duly summoned for that purpose as aforesaid shall wilfully neglect or refuse to attend the Court in obedience to such 15 summons, shall be liable to a fine not exceeding *twenty shillings* to be set on him by the Judge, which fine shall be levied and collected with costs, as other fines are hereinafter directed to be levied and collected, and shall form part of the general Fee Fund; and such fine may 20 be levied by the same process as any debt recovered in the said Court.]

**Penalty on Jurors refusing to attend Court.**

**Payment of jurors.** XXXV. And be it enacted, That each Juror shall receive from the Clerk of the Division Court out of the moneys to be deposited with him for that purpose; the 25 sum of            pence, for every cause in which such Juror shall be sworn.

**Five jurors to be sworn, and they must be unanimous.** XXXVI. And be it enacted, That from time to time, as occasion shall require, five Jurors shall be empannelled and sworn to do justice between the parties whose 30 cause they shall be required to try, according to the best of their skill and ability, and to give a true verdict according to the evidence, and each cause shall be decided by the unanimous verdict of any such Jury, [and no other finding shall be received.] 35

**Case where the jury cannot agree, provided for.** XXXVII. And be it enacted, That whenever the Judge holding any Division Court shall be satisfied that a Jury sworn in any cause before him cannot agree upon their verdict after having been out a reasonable time, he may discharge them, and shall then order the Clerk to summon 40 a new Jury for the next sitting of the Court to be held in that Division, unless the parties shall have consented that the Judge may render judgment on the evidence already taken before him, in which case he is hereby authorized to give judgment accordingly. 45

**How judgment shall be pronounced.** XXXVIII. And be it enacted, That every decision of the Judge, in any case heard before him, shall be openly pronounced in Court as soon as may be after the hearing thereof.