

XXXIV. And be it enacted, That for the trial of issues in cases whether criminal or civil which shall in course come on for trial at any Sittings or Sessions of Assize, *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, it shall not be necessary actually to sue out any Writ of *venire facias juratores* or other Jury process, but the award of such process by the Court and the entry of such award where necessary on the Roll, together with the return of a panel of Jurors upon the general precept issued for such Sittings or Sessions, and the trial of such issues respectively, by a Jury taken from such general Panel in the manner hereinafter provided, shall be sufficient and shall be as valid and effectual in law to all intents and purposes whatsoever, as if such *venire facias juratores*, or other process had been actually and regularly sued out in each case, and the names of the Jurors who shall have so tried such issues, respectively, had been regularly returned upon such Jury process, respectively: Provided always nevertheless, firstly, that nothing in this section contained shall extend or be construed to extend to any issue, to be tried at Bar, or by a Special Jury, or by a Jury *de medietate linguæ* or *de ventre inspiciendo* in a case in which a view shall have been granted, as hereinafter mentioned: And provided also, secondly, that every Jury of which some of the Jurors shall have been regularly taken from such general Panel, shall, notwithstanding its being completed by the award of a *tales de circumstantibus*, be deemed where such *tales de circumstantibus* shall have been regularly awarded according to law, to be taken from such general Panel for the purposes of this section. And provided also, thirdly, that to every *venire facias* directed to any Sheriff in any case in which a view shall have been granted, and which *venire facias* shall not be endorsed for the return of a Special Jury thereon, such Sheriff shall return the same Jurors as those whose names are inserted in the panel returned upon the general precept for the Sittings or Sessions at which such cause is to be tried.

Actual writ of *venire facias* may be dispensed with.

Proviso; as to jurors *de medietate*.

Proviso as to *tales*.

Proviso: where a view is granted.

XXXV. And be it enacted, That if any Plaintiff or Demandant or any Defendant in *Quare impedit* or *Replevin* shall in any cause which shall be at issue, sue out any Writ of *Venire Facias* upon which any Writ of *Habeas Corpora* or *distringas* with a *Nisi Prius*, shall issue in order to the trial of the said issue at the Assizes or Sessions of *Nisi Prius*, and shall not proceed to trial at the first Assizes or Sessions of *Nisi Prius*, after the teste of such Writ of *Habeas Corpora* or *distringas*, then and in every such case, (except when a view by Jurors shall be directed as hereinafter mentioned,) such Plaintiff, Demandant or Defendant, whenever he shall think fit to try the said issue at any other Assizes or Sessions of *Nisi Prius*, shall sue forth a new Writ of *Venire Facias*, commanding the Sheriff or other Minister to return anew, twelve good and lawful men of the body of the Bailiwick qualified according to Law, and the rest of the Writ shall proceed in the accustomed manner, which Writ being duly returned, a Writ of *Habeas Corpora* or *distringas* with a *Nisi Prius* shall issue thereupon, upon which such Plaintiff, Demandant or Defendant, shall and may proceed to trial, as lawfully and effectually to all intents and purposes, as if no former Writ of *Venire Facias* had been prosecuted in that cause, and so *toties quoties* as the case shall require; And if any Defendant or Tenant, shall in any cause which shall be at issue be minded to bring to trial any issue joined against him when by the practice of the Court he may do so by Proviso, he shall or may of the issuable Term next preceding such intended trial to be had at the next Assizes or Sessions of *Nisi Prius*, sue out a *Venire Facias* in the form aforesaid by Proviso, and prosecute the same by Writ of *Habeas Corpora* or *distringas* with a *Nisi Prius*, as lawfully and effectually to all intents and purposes as if no former Writ of *Venire* had been sued out, or returned in that cause and so *Toties Quoties* as the matter may require.

As to cases where the plaintiff, &c. shall not proceed to trial.

New *venire*.

When defendant, &c., may bring on trial by proviso.

VII.—DRAWING JURY AT TRIAL.

XXXVI. And be it enacted, That the name of each man who shall be summoned and empanelled as a Petit Juror, upon the general precept for any Sittings or Sessions of Assize, *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace or County Court, with the name of his place of abode, and addition shall be written on a

Jury to be drawn by ballot, and in what manner.