

ments or papers successively, and if any of the persons whose names shall be so drawn, shall not appear or be challenged and set a side, then such further number, until twelve persons be drawn, who shall appear; and after, all causes of challenge shall be allowed to be indifferent; and the said twelve persons, their names being marked in the pannel and they being sworn, shall be the jury to try the cause, and the names of the persons so drawn and sworn, shall be kept apart by themselves till such jury shall have given their verdict and the same is recorded, or until the jury shall by consent of the parties or leave of the court, be discharged; and then the said names shall be rolled up again and returned to the former box or glass, there to be kept with the other names remaining at the same time undrawn, and so toties quoties as long as any cause remains to be tried.

VII. *And be it further enacted by the authority aforesaid,* That every person or persons whose name or names shall have been drawn to serve on the trial of any issue, and who shall not appear after being openly called three times, shall forfeit and pay upon oath made by some credible person, that the party so making default had been lawfully summoned, such fine not exceeding the sum of three pounds, nor less than twenty shillings, as the judge who sits to try the cause shall think reasonable to inflict; unless some reasonable cause of his absence be assigned or proved to the satisfaction of such judge.

Penalty for not appearing when duly summoned as a juror & drawn to serve on trial.

VIII. *Provided always, and be it enacted,* That no person aged sixty years, shall be obliged to attend upon any summons to be directed to him for the purposes aforesaid.

Persons aged 60 years exempted.

IX. *And be it further enacted by the authority aforesaid,* That every common jurymen who shall have been sworn to give his verdict in any issue brought before the court, shall be entitled to demand and receive the sum of one shilling from the plaintiff or his attorney, for every cause in which such jurymen shall be sworn, to be accounted for in costs by the party charged with the payment thereof.

Fee of each juror sworn to give his verdict.

X. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for his majesty's court of king's bench in this province, upon motion made on behalf of his majesty, his heirs and successors, or on the motion of any prosecutor or defendant, in any indictment or information depending or to be brought or prosecuted in the said court, or on the motion of any plaintiff or plaintiffs, defendant or defendants, in any action, cause, or suit whatsoever to be brought in the said court; and the said court is hereby authorized upon motion made as aforesaid, to order and appoint a special jury to be struck before the proper officer, for the trial of any issue joined, in any of the said cases, in such manner as special juries are usually struck upon trials at bar, in England; which jury so struck as aforesaid, shall be the jury returned for the trial of the said issue.

The court of king's bench, on motion, may order a special jury to be struck for the trial of any issue.

XI. *Provided always, and it is hereby enacted,* That no person shall be nominated by the sheriff, to serve on a special jury whose name shall not be included in either the fifth, sixth, seventh, eighth, ninth, or tenth classes, or in the upper list of inhabitant householders, as directed to be made out under and by virtue of a certain act of the legislature of this province, entitled, "An act to authorize and direct the laying and collecting of assessments and rates in every district of this province; and to provide for the payment of wages to the members of the house of assembly."

Persons competent to serve on special juries.

XII. *And be it further enacted by the authority aforesaid,* That no person who shall serve on any special jury to be appointed or returned under and by virtue of this act, shall be allowed to take for serving on any such jury more than a sum of money not exceeding the sum of five shillings, except in causes where a view hath been or shall be directed.

Fee to be taken by each special juror for serving as such.

XIII. *And be it further enacted,* That the person or party who shall apply for such special jury, shall not only bear and pay the fees for striking such jury, but shall also pay and discharge all expences occasioned by the trial of the cause by such special jury, and shall not have any further or

Which party shall bear the increased costs occasioned by a special jury.