

ceed either to a second trial at the same Assizes, or liberate the party charged on bail.

16. The practice of keeping a Jury without meat, drink, or any other comfort, until they agree upon their verdict, is hereby abolished.

17. When a view shall be considered necessary by the Court, the Jury sworn to try the cause shall make the view under charge of the Sheriff, and, if necessary, of Shewers to be appointed by the Court; the trial may be postponed to any other day during the sitting of the same Court, and in the mean time other causes may be disposed of. The writ of view is hereby abolished.

18. Whenever it shall appear necessary to the presiding Judge of any Court to summon a greater number of Jurors than twenty one, to try any person charged with a capital felony, or from the great amount of business or other cause, he shall direct the Clerk to notify the Sheriff, and the Clerk shall add the number required to the Notice (B) to the Sheriff to summon the Jurors, and if he has previously given the Sheriff notice, he shall give him a new Notice (C), and the Sheriff shall summon them in the manner prescribed in Section 6; but a second Jury so summoned shall not be required to attend earlier than the sixth day after the opening of the Court. Jurors required to attend under this Section shall be liable to the same pains and penalties, and entitled to the same immunities as in other cases.

19. Upon any inquisition before a Sheriff or other officer, not being a Judge of the Supreme Court, except a Coroner's Inquest, he shall select and summon from the Jury list a sufficient number of Jurors to enable him to execute the writ or precept; and if the Jury agree upon a verdict, they shall each receive a sum not exceeding two shillings and six pence, to be determined by the officer presiding, and paid by the successful party, and be costs in the cause.

20. A party in any case may have the issue tried by a Special Jury, for which purpose he shall obtain an Appointment (D) from the Clerk of the Peace in the County where the venue may be laid, or his deputy, of the time and place for the election of twenty eight persons, and shall serve the same on the opposite party, or his Attorney, a reasonable time before the day appointed, at which time and place the Clerk shall attend with the Jury list last filed, and then and there, in the presence of the parties, their Counsel or Attorneys, or such as shall attend, select therefrom twenty eight indifferent persons, and best qualified to try the issue; the Clerk or his deputy shall make out a list of the twenty eight persons selected, and deliver it certified, with an appointment of the time and place of striking, to the party applicant, or his agent, who shall serve a copy thereof on the opposite party, or his Attorney; and the said Clerk or deputy shall attend, and in the presence of such of the parties who may be present, strike the Jury in manner following:—

*First*—The applicant, his attorney, or agent, shall strike out one of the names, and the opposite party, his attorney, or agent, another, and so on alternately until the list is reduced to fourteen:

*Second*—If either party fail to attend, or neglect to strike, the Clerk, or his deputy, shall strike for him:

*Third*—The Clerk, or his deputy, shall forthwith make out a list of the remaining fourteen, and deliver it certified to the Sheriff of the County, who shall summon them in the usual manner.

21. If the Clerk of the Peace be interested in the cause, or related to either party, the Court, or a Judge, may appoint some other fit person to strike the Jury.

22. The duties prescribed for the Clerk of the Peace in this Act shall, in incorporated Counties, be performed by the Secretary Treasurer at his office.

23. On the trial of every Special Jury cause, the Jury shall be drawn as in other cases.

24. The right to peremptory challenge allowed to parties, shall extend to talesmen called on Special Juries.

25. The Jury fees, and expenses of striking and summoning a Special Jury, shall be paid by the applicant, who shall not be allowed on the taxation of costs any more than the fees of a common Jury, unless the presiding Judge shall, after the trial, certify upon the Record that it was a proper cause to be tried by a Special Jury.

26. A Judge of the Supreme Court may, upon sufficient cause shewn by either party, set aside any proceeding connected with the selection or striking of a Special Jury, and direct a new one to be selected or struck, or make such other order as he may deem right.

27. The following fees shall be allowed for striking and summoning a Special Jury:—To the Clerk of the Peace or other officer in his stead, ten shillings; to the Sheriff for summoning, twenty shillings; and to each Juror such sum not exceeding five shillings for each day's attendance on the trial, as the Judge shall allow.

28. Every Special Juror not appearing when openly called three times, shall, on the oath of the summoning officer, or proof by affidavit that he was lawfully summoned, pay a fine not exceeding three pounds in the discretion of the Judge, unless a sufficient cause for such absence be proved to his satisfaction.

29. All fines imposed on Jurors or other ministers of the law in any Court shall be recovered in the following manner:—The Clerk shall within twenty days after the adjournment of the Court, enter on a list the names of the persons fined, and their residence respectively, with the amounts of the several fines, and deliver the Writ (E) with the list annexed to the Sheriff, who shall levy the respective fines of the goods and chattels of the several persons mentioned in the said list, together with five shillings from each person for his fee, and also the reasonable expenses of sale of any goods, and pay the amount of the fines when levied to the Treasurer of the County, whose receipt on the list will be a sufficient discharge. If any person shall tender the fine to the Clerk before the delivery of the Writ to the Sheriff, he shall receive and pay it to the County Treasurer, and mark the same on the list "satisfied."

30. The Sheriff shall on receipt of the Writ, endorse thereon the day and year he received it, and within three months file the same with the Clerk, and also a list and return of his proceedings; if the Sheriff neglect to make the return, the Clerk shall report to the Court, and the Sheriff shall be deemed guilty of contempt, and punished accordingly.

31. Every County Treasurer shall keep separate accounts of the Jury fines, fees, and other fines paid over to him, and at the opening of every Court file on oath a copy thereof, and of his receipts since the last account, with the Clerk, in whose office it shall remain on file; for every neglect of duty of the Treasurer he shall be guilty of a contempt, and punished accordingly.

32. The fine imposed on a Juror may be reduced or remitted