Juries Act 1825

105-134 minutes



An Act for consolidating and amending the Laws relative to Jurors and Juries.

[22d June 1825]

WHEREAS the Laws relative to the Qualification and summoning of Jurors, and the Formation of Juries in England and Wales, are very numerous and complicated, and it is expedient to consolidate and simplify the same, and to increase the Number of Persons qualified to serve on Juries, and to alter the Mode of striking Special Juries, and in some other respects to amend the said Laws; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Man, except as herein-after excepted, between the Ages of Twenty-one Years and Sixty Years, residing in any County in England, who shall have in his own Name or in Trust for him, within the same County, Ten Pounds by the Year above Reprizes in Lands or Tenements, whether of Freehold, Copyhold, or Customary Tenure, or of Ancient Demesne, or in Rents issuing out of any such Lands or Tenements, or in such Lands, Tenements, and Rents taken together, in Fee Simple, Fee Tail, or for the Life of himself or some other Person, or who shall have within the same County Twenty Pounds by the Year above Reprizes, in Lands or Tenements, held by Lease or Leases for the absolute Term of Twenty-one Years, or some longer Term, or for any Term of Years determinable on any Life or Lives, or who being a Householder shall be rated or assessed to the poor Rate, or to the Inhabited House Duty in the County of Middlesex, on a Value of not less than Thirty Pounds, or in any other County on a Value of not less than Twenty Pounds, or who shall occupy a House containing not less than Fifteen Windows, shall be qualified and shall be liable to serve on Juries for the Trial of all Issues joined in any of the King's Courts of Record at Westminster, and in the Superior Courts, both Civil and Criminal, of the Three Counties Palatine, and in all Courts of Assize, Nisi Prius, Oyer and Terminer, and Gaol Delivery, such Issues being respectively triable in the County in which every Man so qualified respectively shall reside, and shall also be qualified and liable to serve on Grand Juries in Courts of Sessions of the Peace and on Petty Juries, for the Trial of all Issues joined in such Courts of Sessions of the Peace, and triable in the County, Riding, or Division in which every Man so qualified respectively shall reside; and that every Man (except as hereinafter excepted) being between the aforesaid Ages, residing in any County in Wales, and being there qualified to the Extent of Three-fifths of any of the foregoing Qualifications, shall be qualified and shall be liable to serve on Juries for the Trial of all Issues joined in the Courts of Great Sessions, and on Grand Juries in Courts of Sessions of the Peace, and on Petty Juries for the Trial of all Issues joined in such Courts of Sessions of the Peace, in every County of Wales, in which every Man so qualified as last aforesaid respectively shall reside.

IIExemptions from serving on Juries.

Provided always, and be it further enacted, That all Peers; all Judges of the King's Courts of Record at Westminster, and of the Courts of Great Session in Wales; all Clergymen in Holy Orders; alt Priests of the Roman Catholic Faith who shall have duly taken and subscribed the Oaths and Declarations required by Law ; all Persons who shall teach or preach in any Congregation of Protestant Dissenters, whose Place of Meeting is duly registered, and who shall follow no secular Occupation except that of a Schoolmaster, producing a Certificate of some Justice of the Peace of their having taken the Oaths, and subscribed the Declaration required by Law ; all Serjeants and Barristers at Law actually practising; all Members of the Society of Doctors of Law, and Advocates of the Civil Law, actually practising ; all Attornies, Solicitors, and Proctors duly admitted in any Court of Law or Equity, or of Ecclesiastical or Admiralty Jurisdiction, in which Attornies, Solicitors, and Proctors have usually been admitted, actually practising, and having duly taken out their Annual Certificates; all Officers of any such Courts actually exercising the Duties of their respective Offices ; all Coroners, Gaolers, and Keepers of Houses of Correction; all Members and Licentiates of the Royal College of Physicians in London actually practising; all Surgeons being Members of One of the Royal Colleges of Surgeons in London, Edinburgh, or Dublin, and actually practising; all Apothecaries certificated by the Court of Examiners of the Apothecaries Company and actually practising; all Officers in His Majesty's Navy or Army on Full Pay ; all Pilots licensed by the Trinity House of Hep ford Strond kingston-upon-Hull, or Newcastle-upon-Tyne, and all Masters of Vessels in the Buoy and Light Service employed by either of those Corporations, and all Pilots licensed by the Lord Warden of the Cinque Ports, or Under any Act of Parliament or Charter for the Regulation of Pilots in any other Port; all the Household Servants of His Majesty, His Heirs and Successors; all Officers of Customs and Excise ; all Sheriff's Officers, High Constables, and Parish Clerks, shall be and are hereby absolutely freed and exempted from being returned, and from serving upon any Juries or Inquests whatsoever, and shall not be inserted in the Lists to be prepared by virtue of this Act as herein-after mentioned: Provided also, that all Persons exempt from serving upon Juries in any of the Courts aforesaid, by virtue of any Prescription, Charter, Grant, or Writ, shall continue to have and enjoy such Exemption in as ample a Manner as before the passing of this Act, and shall not be inserted in the Lists herein-after mentioned.

IIIAliens disqualified except on Juries demedietate.

Provided also, and be it enacted and declared, That no Man, not being a natural born Subject of the King, is or shall be qualified to serve on Juries or Inquests, except only in the Cases herein-after expressly provided for; and no Man who hath been or shall be attainted of any Treason or Felony, or convicted of any Crime that Is infamous, unless he shall have obtained a free Pardon, nor any Man who is under Outlawry or Excommunication, is or shall be qualified to serve on Juries or Inquests in any Court, or on any Occasion whatsoever.

IVClerk of the Peace to issue Warrants to the High Constables in July.

And be it further enacted, That the Clerk of the Peace in every County, Riding, and Division in England and Wales, shall, within the First Week of July in every Year, issue and deliver his Warrant (in the Form set forth in the Schedule hereunto annexed, or, as near thereto as may be) to the High Constables of each Hundred, Lathe, Wapentake, or other like District, by which he shall command them to issue forth their Precepts to the Churchwardens and Overseers of the Poor of the several Parishes, and to the Overseers of the Poor of the several Townships within their respective Constablewicks, requiring them to prepare and make out, before the First Day of September then next ensuing, a true List of all Men residing within their respective Parishes and Townships, qualified and liable to serve on Juries according to this Act as aforesaid, and also to perform and

comply with all other the Requisitions in the said Precepts Contained.

VClerk of the Peace to annex printed Forms of Precepts and Returns to his Warrants.

And be it further enacted, That every such Clerk Of the Peace shall cause a sufficient Number of Warrants, Precepts, and Returns to be printed, according to the several Forms set forth in the Schedule hereunto annexed, at the Expence of the County, Riding, or Division, and shall annex to every Warrant a competent Number of Precepts and Returns, for the Use of the respective Persons by whom such Precepts are to be issued and such Returns to be made.

VIHigh Constables to issue Precepts to Churchwardens and Overseers within their Constable-wicks, commanding them to make out the Jury Lists.

And be it further enacted, That within Fourteen Days after the Receipt of such Warrant of the Clerk of the Peace, every High Constable shall issue and deliver his Precept (in the Form set forth in the Schedule hereunto annexed, or as near thereto as may be), together with a competent Number of the printed Forms of Returns, to the Churchwardens and Overseers of the Poor of the several Parishes, and to the Overseers of the Poor of the several Townships within his Constablewick, requiring them by such Precept to prepare-and make out a true List of all Men residing within their respective-Parishes and Townships, qualified and liable to serve as Jurors as aforesaid, and to perform and comply with all the Requisitions in the said Precept contained: Provided always, that where in arty Hundred, Lathe, Wapentake, or other like District, there shall be more than One High Constable, in such Case the Clerk of the Peace shall issue and deliver his Warrant, together with a competent Number of the Precepts and Returns as aforesaid, to every one of such High Constables, each of whom shall be individually liable for the due Performance of the several Matters commanded in such Warrant throughout the whole of such Hundred, Lathe, Wapentake, or other like District, and shall for the Non-performance thereof be subject to all and every the Penalties by this Act imposed upon any High Constable ; provided also, that where in any Parish there shall be no Overseers of the Poor, other than the Churchwardens, such Churchwardens shall be deemed and taken to be the Churchwardens and Overseers of the Poor of such Parish within the Meaning of this Act, to all Intents and Purposes; provided also, that where any Parish or Township shall extend into more than one Hundred, Lathe, Wapentake, or other like District, either in the same or different Counties, such Parish or Township shall be deemed and taken, for all the Purposes of this Act, to be within that Hundred, Lathe, Wapentake, or other like District, in which the principal Church of such Parish or Township shall be situate.

VIIJustices of Division may order any Extra-parochial Place to be annexed to any adjoining Parish or Township, for the Purposes of this Act.

And be it further enacted, That it shall be lawful for the Justices of the Peace of any Division in England or Wales, at a Special Petty Sessions to be holden for that Purpose before the First Day of July in any Year, to make an Order for annexing any Extra-parochial Place, whenever they shall think it expedient, to any. Parish or Township adjoining thereto, for the Purposes of this Act, and a Copy of such Order shall, within Five Days from the making thereof, be served upon the Churchwardens and Overseers of such adjoining Parish, or upon the Overseers of such adjoining Township, and such Extra-parochial Place shall from thence continually be deemed and taken, for all the Purposes of this Act, to be within and to form an integral Part of such Parish or Township ;

and the Churchwardens and Overseers of such Parish, and the Overseers of such Township, shall be, and they are hereby respectively authorized and required to make out, according to this Act, a true List of all Men qualified and liable to serve on Juries as aforesaid, residing as well in their own respective Parish or Township as in" the Extra-parochial Place thereto annexed, and shall from Time to Time perform and execute within such Extra-parochial Place for the Purposes of this Act, but for no other Purpose, all and every the same Acts, Duties, Powers, and Authorities, as in their own respective Parish or Township, and shall be as fully liable to the same Penalties for the Non-performance thereof within such Extra-parochial Place, as if they had in every Instance been mentioned in this Act with reference to such Extra-parochial Place.

VIIIChurchwardens and Overseers to make out Lists of Persons qualified to serve on Juries, with their Residences, Titles, &c.

And be it further enacted, That the Churchwardens and Overseers of every Parish, and the Overseers of every Township, within the Meaning of this Act, shall forthwith, after the Receipt of such Precept from the High Constable, prepare and make out in Alphabetical Order a true List of every Man residing within their respective Parishes or Townships, who shall be qualified and liable to serve on Juries as aforesaid, with the Christian and Surname written at full Length, and with the true Place of Abode, the Title, Quality, Calling, or Business, and the Nature of the Qualification of every such Man, in the proper Columns of the Form of Return set forth in the Schedule hereunto annexed.

IXLists to be fixed on Church Doors, and also kept by Churchwardens for Inspection, 3 G.2 c.25.

And be it further enacted, That the Churchwardens and Overseers of each Parish, and the Overseers of each Township, having made out according to this Act a List of every Man qualified and liable to serve on Juries as aforesaid, shall, on the Three first Sundays in the Month of September, fix a true Copy of such List upon the principal Door Of every Church, Chapel, and other public Place of Religious Worship within their respective Parishes or Townships, having first Subjoined to every such Copy a Notice, stating that all Objections to the List will be heard by the Justices of the Peace at a Time and Place to be mentioned in such Notice, and having also signed their Names at the Foot of such Copy, and shall likewise keep the original List, or a true Copy thereof, to be perused by any of the Inhabitants of their respective Parishes or Townships, at any reasonable Time during the Three first Weeks of the Month of September, without any Fee or Reward, to the End that Notice may be given of Men qualified who are omitted, or of Men inserted who ought to be omitted out of such List; and the Churchwardens and Overseers of each Parish, and the Overseers of each Township, are hereby authorized to cause a sufficient Number of Copies of such Lists, for the Purposes aforesaid, to be printed at the Expence of their respective Parishes or Townships.

XPetty Sessions to be held in the last Week of September.

And be it further enacted, That the Justices of the Peace in every Division in England and Wales shall hold a Special Petty Sessions for the Purposes herein-mentioned, within the last Seven Days of September in every Year, on some Day and at some Place, of which Notice shall be given by their Clerk, before the Twentieth Day of August next preceding, to the High Constable and to the Churchwardens and Overseers of every Parish, and to the Overseers of every Township, within such Division; and the Churchwardens and Overseers of each Parish, and the Overseers of each Township, shall then and there produce the List of Men qualified and liable to serve on Juries as aforesaid within their respective Parishes or Townships, by them prepared and made out, as herein-

before directed, and shall answer upon Oath such Questions touching the same as shall be .put to them, or any of them, by the Justices then present; and if any Man, not qualified and liable to serve on Juries as aforesaid, is inserted in any such List, it shall be lawful for the said Justices, upon Satisfaction from the Oath of the Party complaining, or other Proof, or upon their own Knowledge, that he is not qualified and liable to serve on Juries, to strike his Name out of such List, and also to strike thereout the Names of Men disabled by Lunacy or Imbecility of Mind, or by Deafness, Blindness, or other permanent Infirmity of Body, from serving on Juries; and it shall also be lawful for such Justices to insert in such List the Name of any Man omitted therein, and likewise to reform any Errors or Omissions which shall appear to them to have been committed in respect to the Name, Place of Abode, Title, Quality, Calling, Business, or the Nature of the Qualification of any Man included in any such List: Provided always, that no Man's Name, if omitted, shall be inserted in such List, nor shall any Error or Omission in the Description of any Man in such List be reformed by the said Justices, unless upon the Application of such Men respectively, or unless such Men respectively shall have had Notice that an Application for such Purpose would be made to the Justices at such Petty Sessions, or unless the said Justices at such Sessions, or any Two of them, shall cause Notice to be given to such Men respectively, requiring them to show Cause, at some Adjournment of such Petty Sessions to be holden within Four Days thereafter, why their Names should not be inserted in such List, or why any Error or Omission in the Description of such Men in such List should not be reformed; and when every such List shall be duly corrected at such Sessions, or at such Adjournment thereof, it shall be allowed by the Justices present, or Two of them, at such Sessions or such Adjournment, who shall sign the same, with their Allowance thereof; and the High Constable shall receive every List so allowed, and deliver the same to the Court of Quarter Sessions next holden for the County, Riding, or Division, on the First Day of its Sitting, at the same Time attesting on Oath his Receipt of every such List from the Petty Sessions, and that no Alteration hath been made therein since his Receipt thereof.

XITax Assessments and Poor Rates to be inspect.

And be it further enacted, That the respective Churchwardens and Overseers of every Parish, and the Overseers of every Township, shall, for their Assistance in completing the Lists, pursuant to the Intent of this Act (upon Request made by them or any of them at any reasonable Time between the First Day of July and the First Day of October in every Year, to any Collector or Assessor of Taxes, or to any other Officer having the Custody of any Duplicate or Tax Assessment for such Parish or Township), have free Liberty to inspect any such Duplicate or Assessment, and take from thence the Names of such Men qualified to serve on Juries, dwelling within their respective Parishes or Townships, as may appear to them or any of them to be necessary or useful; and every Court of Petty Sessions and Justice of the Peace shall, upon the like Request to any Collector or Assessor of Taxes, or any other Officer having the Custody Of any Duplicate or Tax Assessment, or to any Churchwarden or Churchwardens, or Overseer or Overseers, having the Custody of any Poor Rate within their respective Divisions, have the like, free Liberty to inspect and make Extracts from any such Duplicate, Tax Assessment, or Poor Rate, for the Purpose of assisting them in the Reformation and Completion of the Jury Lists within their respective Divisions.

XIILists to be kept by Clerk of Peace, and copied info a Book to be delivered to Sheriff.

And be it further enacted, That the Clerk of the Peace shall keep the Lists, so returned by the High Constable to the Court of Quarter Sessions, among the Records of the Sessions, arranged with every Hundred in Alphabetical Order, and every Parish or Township within such Hundred, likewise in Alphabetical Order, and shall cause the same to be fairly and truly copied in the same Order, in a Book to be by him provided for that Purpose, at the Expence of the County, Riding, or Division, with proper Columns for making the Register herein-after directed, and shall deliver the same Book

to the Sheriff of the County or his Under-sheriff, within Six Weeks next after the Close of such Sessions, which Book shall be called " The Jurors Book for the Year _____ " (inserting the Calendar Year for which such Book is to be in use); and that every Sheriff on quitting his Office shall deliver the same to the succeeding Sheriff; and that every Jurors Book so prepared shall be brought into use on the First Day of January after it shall be so delivered by the Clerk of the Peace to the Sheriff or his Under-sheriff, and shall be used for One Year then next following.

XIIIForm of Venire Facias.

And be it further enacted, That every Writ of Venire Facias Juratores for the Trial of any Issue whatsoever, whether Civil or Criminal, or on any Penal Statute, in any of the Courts in England or Wales herein-before mentioned, shall direct the Sheriff to return Twelve good and lawful Men of the Body of his County, qualified according to Law, and the rest of the Writ shall proceed in the accustomed Form; and that every Precept to be issued for the return of Jurors before Courts of Oyer and Terminer, Gaol Delivery, the Superior Criminal Courts of the Three Counties Palatine, and Courts of Sessions of the Peace in England, and before the Courts of Great Sessions and Sessions of the Peace in Wales, shall in like Manner direct the Sheriff to return a competent Number of good and lawful Men of the Body of his County qualified according to Law, and shall not require the same to be returned from any Hundred or Hundreds, or from any particular Venue within the County, and that the Want of Hundredors shall be no Cause of Challenge ; any Law, Custom, or Usage to the contrary notwithstanding.

XIVJuries to be returned front Jurors Book, by Sheriff, and by Coroners and Elisors.

And be it further enacted, That every Sheriff, upon the Receipt of every such Writ of Venire Facias and Precept for the Return of Jurors, shall return the Names of Men contained in: the Jurors Book for the then current Year, and no others; and that where Process for returning a Jury for the Trial of any of the Issues aforesaid shall be directed to any Coroner, Elisor, or other Minister, he shall have free Access to the Jurors Book for the current Year, and shall in like Manner return the Names of Men contained therein, and no others: Provided always, that if there shall be no Jurors Book in existence for the current Year, it shall be lawful to return Jurors from the Jurors Book for the Year preceding.

XVSheriff, &c. on Return of Writs of Venire Facias, to annex a Panel of Jurors, &c.

And be it further enacted, That every Sheriff or other Minister, to whom the Return of Juries for the Trial of Issues before any Court of Assize or Nisi Prius in any County of England, except the Counties Palatine, may belong, shall, upon his Return of every Writ of Venire Facias (unless in Causes intended to be tried at Bar, Or in Cases where a Special Jury shall be struck by Order or Rule of' Court), annex a Panel to the said Writ, containing the Names alphabetically arranged, together with the Places of Abode and Additions, of a competent Number of Jurors named in the Jurors Book, and that the Names of the same Jurors shall be inserted in the Panel annexed to every Venire Facias for the Trial of all Issues at the Same Assizes or Sessions of Nisi Prius in each respective County, which Number of Jurors shall not in any County be less than Forty-eight nor more than Seventy-two, unless by the Direction of the Judges appointed to hold the Assizes or Sessions of Nisi Prius in the same County, or One of them, who are and is hereby empowered, by Order under their or his Hands or Hand, to direct a greater or lesser Number, and then such Number as shall be so directed shall be the Number to be returned; and that in the Writ' of Habeas Corpora Juratorum or Distringas, subsequent to such Writ of Venire Facias, it shall not be requisite to insert the Names of all the Jurors contained in such Panel, but it shall be sufficient to insert in the

mandatory Part of such Writs respectively,

“the Bodies of the several Persons in the Panel to this Writ annexed named,”or Words of the like Import; and to annex to such Writs respectively Panels containing the same Names as were returned in the Panel to such Venire Facias, with their Places of Abode and Additions ; and that for making the Returns and Panels aforesaid, and annexing the same to the respective Writs, the ancient legal Fee, and no other, shall be taken; and that the Men named in such Panels, and no others, shall be summoned to serve on Juries at the then next Court of Assizes or Sessions of Nisi Prius for the respective Counties named in such Writs.

XVIIf Plaintiff sue forth a Venire, &c. in order to Trial, and proceed not, he may afterwards sue forth another Venire, &c. and try at any subsequent Assizes.

And be it further enacted, That if any Plaintiff or Demandant in any Cause which shall be at issue in any of His Majesty's Courts of Record at Westminster, or any Defendant in any Action of Quare Impedit or Replevin which shall be so at issue, shall 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, whensoever 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 to return anew Twelve good and lawful Men of the Body of his County, 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 (for which the same Fees shall be paid as in the Case of the Pluries Habeas Corpora or Distringas with a Nisi Prius), 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 in any Action depending in any of the said Courts shall be minded to bring to Trial any Issue joined against him, where by the Practice of the Court he may do the same 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 new Venire Facias to the Sheriff 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 Facias had been sued out or returned in that Cause, and so toties quoties, as the Matter shall require.

XVIIReturns of Jurors in the Counties Palatine.

And be it further enacted, That every Sheriff or other Minister to whom the Return of Juries for the Trial of Causes in the Superior Courts of the said Counties Palatine may belong, shall, Ten Days at least before the said Courts shall respectively be held, summon a competent Number of Men, named in the Jurors Book, to serve on Juries in the said Courts, so as such Number be not less than Forty-eight nor more than Seventy-two, without the Direction of the Judge or Judges of the Courts for such Counties Palatine respectively; and the Sheriff or other Minister who shall summon such Jurors shall return a List containing the Names, alphabetically arranged, and the Places of Abode and Additions of the Jurors so summoned, on the First Day of the Court to be held for the said Counties Palatine respectively; and the Jurors so summoned, or a competent Number Of them, as the Judge or Judges of such Courts respectively shall direct, and no others, (unless in Cases where a Special Jury shall be struck), shall be named in every Panel to be annexed to every Writ of Venire Facias Juratores, Habeas Corpora Juratorum, and Distringas, which shall be issued out and

returnable for the Trial of Causes in such Courts respectively.

XVIIIReturns of Jurors in Wales.

And be it further enacted, That every Sheriff or other Minister to whom the Return of Juries for the Trial of Causes in the Court of Great Sessions in any County of Wales may belong, shall, at least Ten Days before every Great Sessions, summon a competent Number of Men named in the Jurors Book, so as such Number be not less than Forty-eight or more than Seventy-two, without the Direction of the Judge or Judges of the Great Sessions for such County, who is and are hereby empowered, if he or they shall see cause, by Rule of Court, or by an Order of any Judge thereof, to be made in Vacation, if necessary, to direct a greater or lesser Number to be summoned ; and that the Sheriff or other Minister who shall summon such Jurors shall return a List containing the Names, alphabetically arranged, and the Places of Abode and Additions of the Jurors so summoned, at. the First Court of the Second Day of every Great Sessions ; and that the Jurors so summoned, or a competent Number of them, as the Judge or Judges of such Great Sessions shall direct, and no others (unless in Cases where a Special Jury shall be struck), shall be named in ever panel to be annexed to every writ of facias Jarstores, Habeas Corpora Juratorum, and Distringas, which shall be issued out and returnable for the Trial of Causes at such Great Sessions.

XIXCopy of the Panel to be kept in the Sheriff's Office, for the Inspection of the Parties and their Attornies.

And be it further enacted, That the Sheriff or other Minister to whom the Return of Jurors for the Trial of Causes in any County in England (except the Counties Palatine) may belong, shall cause to be made out an Alphabetical List of the Names of all the Jurors contained in the Panels to the several Writs of Venire Facias annexed as aforesaid, with their respective Places of Abode and Additions; and the Sheriff or other Minister to whom the Return of Jurors for the Trial of Causes in any County Palatine, or in any County in Wales, may belong, shall cause to be made out in like Manner a List of all the Jurors so summoned in such respective Counties as aforesaid; and every such Sheriff or other Minister shall keep such List in the Office of his Under-sheriff or Deputy for Seven Days at least before the Sitting of the next Court of Assize or Nisi Prius, or the next Court to be holden for any County Palatine, or the next Court bf Great Sessions in any County in Wales; and the Parties in all Causes to be tried at any such Court of Assize or Nisi Prius, or Court of any County Palatine or Great Sessions, and their respective Attornies, shall, on Demand, have full Liberty to inspect such List, without any Fee or Reward to be paid for Inspection.

XXJuries in all Criminal Courts to be returned as before.

Provided always, and be it further declared and enacted, That the Court of King's Bench and all Courts of Oyer and Terminer, Gaol Delivery, the Superior Criminal Courts of the Three Counties Palatine, and Courts of Sessions of the Peace in England, and all Courts of Great Sessions and Sessions of the Peace in Wales, shall respectively have and exercise the same Power and Authority as they have heretofore had and exercised in issuing any Writ or Precept, or in making any Award or Order, orally or otherwise, for the Return of a Jury for the Trial of any Issue before any of such Courts respectively, or for the amending or enlarging the Panel of Jurors returned for the Trial of any such Issue ; and the Return to every such Writ, Precept, Award, or Order shall be made in the Manner heretofore used and accustomed in such Courts respectively, save and except, that the Jurors shall be returned from the Body of the County, and not from any Hundred or Hundreds, or from any particular Venue within the County, and shall be qualified according to this Act. XXI. Copy of the Panel to be delivered to Parties indicted for High Treason. XXI, And be it further enacted, That when any Person is indicted for High Treason or Misprision of Treason, in any Court other than the Court of King's Bench, a List of the Petit Jury, mentioning the Names, Profession,

and Place of Abode of the Jurors, shall be given at the same Time that the Copy of the Indictment is delivered to the Party indicted, which shall be Ten Days before the Arraignment, and in the Presence of Two or more credible Witnesses; and when any Person is indicted for High Treason or Misprision of Treason in the Court of. King's Bench, a Copy of the Indictment shall be delivered within the Time and in the Manner aforesaid: but the List of the petit Jury, made out as aforesaid, may be delivered to the Party indicted at any Time after the Arraignment, so as the same be delivered Ten Days before the Day of Trial: Provided always, that nothing herein contained shall anyways extend to any Indictment for High Treason In compassing and imagining the Death of the King, or for Misprision of such Treason, where the Overt Act or Overt Acts of such Treason alledged in the Indictment shall be Assassination or killing of the King, of any direct Attempt against his Life, or any direct Attempt against his Person, whereby his Life may be endangered, or his Person may suffer bodily Harm; or to any Indictment of High Treason for counterfeiting His Majesty's Coin, the Great Seal Of Privy Seal, his Sign Manual or Privy Signet; or to-any Indictment of High Treason, or to any Proceedings thereupon, against any Offender of Offenders who by any Act or Acts now in force is and are to be indicted, arraigned, tried, and convicted by such like Evidence, and in such Manner as is used and allowed against Offenders for counterfeiting His Majesty's coin.

XXIIJudge of Assize, &c. may direct the same Panel for the Criminal and Civil Sides, and may direct two Sets of Jurors to be summoned, one to attend at the Beginning of each Assizes, and the other to attend the Residue thereof, to serve indiscriminately on the Criminal and Civil Side.

And be it further enacted, That in any County in which the Justices of Assize in England, of the Justices of the Superior Courts of the said Counties Palatine, or the Judges of the Great Sessions in any County of Wales, shall think fit so to direct, the Sheriff or other Minister to whom the Return of the Venire Facias Juratores, or other Process that the Trial of Causes at Nisi Prius, doth belong, shall Summon and impanel such Number Of Jurors, not exceeding One hundred and Forty-four, as such Judges or Justices respectively shall think fit to direct, to serve indiscriminately on the Criminal and Civil Side ; and that where such Judges or Justices respectively shall so direct, the 'Sheriff Of Other Minister shall divide such Jurors equally into Two Sets, the First of which Sets shall attend and serve for so many Days at the beginning of each Assize or Great Sessions, as such Judges Of Justices respectively shall, within a reasonable Time before the Commencement of such Assize or Great Sessions, respectively think fit to direct, and the other of which Sets shall attend and serve for the Residue of such Assize or Great Sessions : Provided always, that such Sheriff or other Minister shall, in the Summons to the Jurors in each of such Sets, specify whether the Juror named therein is in the First or Second Set, and at what Time the Attendance of such Juror will be required; and the Sheriff or other Minister to whom the Return of the Venire Facias Juratores, or other Process for the Trial of Causes at Nisi Prius, doth belong, shall, upon his Return of every such Writ or Process, annex thereto a Panel containing the Names, alphabetically arranged, together with the Additions and Places of Abode, of the Jurors in each of such Sets; and during the Attendance and Service of the First of such Sets, the Jury on the Civil Side shall be drawn from the Names of the Persons in that Set, and during the Attendance and Service of the Second of such Sets, from the Names of the Persons in such Second Set: Provided always, that in any Case wherein an Order for a View shall have been obtained as hereinafter mentioned, it shall be lawful for the Judge before whom such Case is to be tried, and he is hereby required, on the Application of the Party obtaining such Order, to appoint such Case to be tried during the Attendance and Service of that Set of Jurors in which, the Viewers, or the major Part of them, are included.

XXIIIWhere Jurors are to view Lands, &c. Court may order Special Writs of Venire Facias, Distringas, or Habeas Corpora.

And be it further enacted, That where in any Case either Civil or Criminal, or on any penal Statute, depending in any of the said Courts of Record at Westminster or in the Counties Palatine, or Great Sessions in Wales, it shall appear to any of the respective Courts, or to any Judge thereof in Vacation, that it will be proper and necessary that some of the Jurors who are to try the Issues in such Case should have the View of the Place in question, in order to their better understanding the Evidence that may be given upon the Trial of such Issues, in every such Case such Court, or any Judge thereof in Vacation, may order a Rule to be drawn up, containing the usual Terms, and also requiring, if such Court or Judge shall so think fit, the Party applying for the View to deposit in the Hands of the Under-sheriff a Sum of Money to be named in the Rule for Payment of the Expences of the View, and commanding special Writs of Venire Facias, Distringas, or Habeas Corpora, to issue, by which the Sheriff or other Minister to whom the said Writs shall be directed shall be commanded to have Six or more of the Jurors named in such Writs, or in the Panels thereto annexed (who shall be mutually consented to by the Parties, or, if they cannot agree, shall be nominated by the Sheriff or such other Minister as aforesaid), at the Place in question, some convenient Time before the Trial, who then and there shall have the Place in question shown to them by Two Persons in the said Writs named, to be appointed by the Court or Judge ; and the said Sheriff or other Minister who is to execute any such Writ shall, by a special Return upon the same, certify that the View hath been had according to the Command of the same, and shall specify the Names of the Viewers.

XXIVViewers in case of Appearance to be sworn upon the Jury first.

And be it further enacted, That where a View shall be allowed in any Case, those Men who shall have had the View, or such of them as shall appear upon the Jury to try the Issue, shall be first sworn, and so many only shall be added to the Viewers who shall appear, as shall after all Defaulters and Challenges allowed make up a full Jury of Twelve.

XXVJurors to be summoned Ten Days before the Day of Attendance.

And be it further enacted, That the Summons of every Man to serve on Juries, not being Special Juries, in any of the Courts aforesaid, shall be made by the proper Officer Ten Days at the least before the Day on which the Juror is to attend, by showing to the Man to be summoned, or in case he shall be absent from the usual Place of his Abode, by leaving with some Person there inhabiting, a Note in Writing, under the Hand of the Sheriff or other proper Officer, containing the Substance of such Summons; and the Summons of every Man to serve on Special Juries in any of the Courts aforesaid shall be made by the like Persons, and in the like Manner as aforesaid, Three Days at the least before the Day on which the Special Juror is to attend: Provided always, that this Act shall not require any longer Time for summoning any Jurors in. the City of London or County of Middlesex than has been heretofore by Law required, nor shall give any longer Time for the Return of any Writ of Venire Facias, Habeas Corpora, or Distringas, than has been hereto fore by Law required ; but that where there shall not be Ten TW between the awarding of such Writ and the Return thereof every Juror may be summoned, attached or distrained, to appear at the Day and Time therein mentioned, as he might heretofore have been.

XXVINames of Jurors to be delivered to the Associate, and

ballotted for Juries in Civil Courts.

And be it further enacted, That the Name of each Man who shall be summoned and impanelled in any Court of Assize or Nisi Prius, or for the Trial of Issues in the Civil Courts of the Counties Palatine or Great Sessions, with the Place of his Abode and Addition, shall be written on a distinct Piece of Parchment or Card, such Pieces of Parchment or Card being all as nearly as may be of equal Size, and shall be delivered unto the Associate or Prothonotary of such Court by the Under-sheriff of the County, or the Secondary of the City of London, and shall, byDirection and Care of such Associate or Prothonotary, be put together in a Box to be provided for that Purpose, and when any Issue shall be brought on to be tried, such Associate or Prothonotary shall in open Court draw out Twelve of the said Parchments or Cards one after another, and if any of the Men whose Names shall be so drawn shall not appear, or shall be challenged and set aside, then such further Number, until Twelve Men be drawn, who shall appear, and after all just Causes of Challenge allowed, shall remain as fair and indifferent; and the said Twelve Men so first drawn and appearing, and approved as indifferent, their Names being marked in the Panel, and they being sworn, shall be the Jury to try the Issue, and the Names of the Men so drawn and sworn shall be kept apart by themselves until such Jury shall have given in their Verdict, and the same shall be recorded, or until such Jury shall, by Consent of the Parties or by Leave of the Court, be discharged, and then the same Names shall be returned to the Box, there to be kept with the other Names remaining at that Time undrawn, and so toties quoties as long as any Issue remains to be tried: Provided always, that if any Issue shall be brought on to be tried in any of the said Courts before the Jury in any other Issue shall have brought in their Verdict or been discharged, it shall be lawful for the Court to order Twelve of the Residue of the said Parchments or Cards, not containing the Names of any of the Jurors who shall not have so brought in their Verdict or been discharged, to be drawn in such Manner as is aforesaid, for the Trial of the Issue which shall be so brought on to be tried: Provided also, that where no Objection shall be made on behalf of the King or any other Party, it shall be lawful for the Court to try any Issue with the same Jury that shall have previously tried or been drawn to try any other Issue, without their Names being returned to the Box and redrawn, or to order the Name or Names of any Man or Men on such Jury, whom both Parties may consent to withdraw, or who may be justly challenged or excused by the Court, to be set aside, and another Name or other Names to be drawn from the Box, and to try the Issue with the Residue of such original Jury, and with such Man or Men whose Name or Names shall be so drawn, and who shall appear and be approved as indifferent, and so toties quoties as long as any Issue remains to be tried.

XXVIIWant of Qualification in Common Jurors to be Cause of Challenge.

And be it further enacted, That if any Man shall be returned as a Juror for the Trial of any Issue in any of the Courts herein-before mentioned, who shall not be qualified according to this Act, the Want of such Qualification shall be good Cause of Challenge, and he shall be discharged upon such Challenge, if the Court shall be satisfied of the Fact; and that if any Man returned as a Juror for the Trial of any such Issue shall be qualified in other respects according to this Act, the Want of Freehold shall not on such Trial in any Case, Civil or Criminal, be accepted as good Cause of Challenge, either by the Crown or by the Party, nor as Cause for discharging the Man so returned upon his own Application; any Law, Custom, or Usage to the contrary notwithstanding; provided that nothing herein contained shall extend in anywise to any Special Juror.

XXVIIIWhere Challenges not admitted.

And be it further enacted, That no Challenge shall be taken to any Panel of Jurors for Want of a Knight's being returned in such Panel, nor any Array quashed by reason of any such Challenge; any Law, Custom, or Usage to the contrary notwithstanding.

XXIXThe King shall only challenge for Cause.

And be it further enacted, That in all Inquests to be taken before any of the Courts herein-before mentioned, wherein the King is a Party, howsoever it be, notwithstanding it be alleged by them that sue for the King, that the Jurors of those Inquests, or some of them, be not indifferent for the King, yet such Inquests shall not remain un-taken for that Cause ; but if they that sue for the King will challenge any of those Jurors, they shall assign of their Challenge a Cause certain, and the Truth of the same Challenge shall be inquired of according to the Custom of the Court; and it shall be proceeded to the taking of the same Inquisitions, as it shall be found, if the Challenges be true or not, after the Discretion of the Court; and that no Person arraigned for Murder or Felony shall be admitted to any peremptory Challenge above the Number of Twenty.

XXXCourt to have the Power of ordering Special Juries to be struck before the proper Officer.

And be it further enacted and declared, That it is and shall be lawful for His Majesty's Courts of King's Bench, Common Pleas, and Exchequer at Westminster respectively, and for the Judges of the said Courts of the Three Counties Palatine, and of the Courts of Great Sessions in Wales, upon Motion made on behalf of the King, or upon the Motion of any Prosecutor, Relator, Plaintiff, or Demandant, or of any Defendant or Tenant, in any Case whatsoever, whether Civil or Criminal, or on any Penal Statute, excepting only Indictments for Treason or Felony, depending in any of the said Courts, and the said Courts and Judges respectively are hereby authorized, in any of the Cases before mentioned, to order and appoint a Special Jury to be struck before the proper Officer of each respective Court, for the Trial of any Issue joined in any of the said Cases, and triable by a Jury, in such Manner as the said Courts respectively have usually ordered the same; and every Jury so struck shall be the Jury returned for the Trial of such Issue.

XXXIQualifications of Special Jurors in English and Welsh Counties, and in London; the Sheriff shall extract from the Jurors Book the Names of all Men qualified as Special Jurors; and shall write them in a separate List, and prefix Numbers to all the Names in such List; and shall write all the Numbers on distinct Cards, and put them in a Box for safe Custody.

And be it further enacted, That every Man who shall be described in the Jurors Book for any County in England or Wales, or for the County of the City of London, as an Esquire or Person of higher Degree, or as a Banker or Merchant, shall be qualified and liable to serve on Special Juries in every such County in England and Wales, and in London respectively; and the Sheriff of every County in England and Wales, or his Under-sheriff, and the Sheriffs of London or their Secondary, shall, within Ten Days after the Delivery of the Jurors Book for the current Year to either of them, take from such Book the Names of all Men who shall be described therein as Esquires or Persons of higher Degree, of as Bankers or Merchants, and shall respectively cause the Names of all Such Men to be fairly and truly copied out in Alphabetical Order, together with their respective Places of Abode and Additions, in a separate List to be subjoined to the Jurors Book, which List shall be called " The Special Jurors List," and shall prefix to every Name in such List its proper Number, beginning the Numbers from the first Name, and continuing them in a regular Arithmetical Series down to the last Name, and shall cause the said several Numbers to be written upon distinct Pieces of Parchment or Card, being all as nearly as may be of equal Size, and after all the said Numbers shall have been so written, shall put the same together in a separate Drawer or Box, and shall there safely keep the same to be used for the Purpose herein-after mentioned.

XXXIIOfficer of Court is to appoint the Time and Place for nominating the special Jury.

And be it further enacted, That whenever any of the Courts or Judges above mentioned shall order a Special Jury to be Struck before the proper Officer of such Court, such Officer shall appoint a Time and Place for the Nomination of such Special Jury ; and a Copy of the Rule of Court, and of Such Officer's Appointment, shall be served on the Under-sheriff of the County in England Or Wales in which the Trial is to be had, or on the Secondary of the City of London, if the Trial is to be had there, and also on all the Parties who have usually been served with the same respectively, in the accustomed Manner; and the said Officer, at the Time and Place appointed, being attended by such Under-sheriff or Secondary, or his Agent, who are hereby respectively required to bring with them the Jurors Book and such Special Jurors List, and all the Numbers so written on distinct Pieces of Parchment or Card as aforesaid, shall, in the Presence of all the Parties in any of the Cases aforesaid, and of their Attornies (if they respectively choose to attend, or if the said Parties or their Attornies, all or any of them, do not attend, then in their Absence), put all the said Numbers into, a Box, to be by him provided for that Purpose, and after having shaken them together shall draw out of the said Box Forty-eight of the said Numbers, one after another, and shall, as each Number is drawn, refer to the corresponding Number in the Special Jurors List, and read aloud the Name designated by such Number; and if at the Time of so reading any Name, either Party, or his Attorney, shall object that the Man whose Name shall have been so referred to is in any Manner incapacitated from serving on the said Jury, and shall also then and there prove the same to the Satisfaction of the said Officer, such Name shall be set aside, and the said Officer shall instead thereof draw out of the said Box another Number, and shall in like Manner refer to the corresponding Number in the said List, and read aloud the Name designated thereby, which Name may be in like Manner set aside, and other Numbers and Names shall in every such Case be resorted to, according to the Mode of Proceeding herein-before described, for the Purpose of supplying Names in the Places of those set aside, until the whole Number of Forty eight Names not liable to be set aside shall be completed ; and if in any Case it shall so happen that the whole Number of Forty-eight Names cannot be obtained from the Special Jurors List, in such Case the said Officer shall fairly and indifferently take, according to the Mode of Nomination heretofore pursued in nominating Special Juries, such a Number of Names from the General Jurors Book, in addition to those already taken from the Special Jurors List, as shall be required to make up the full Number of Forty-eight Names, all and every of which Forty-eight Names shall in such Case be equally deemed and taken to be those of Special Jurors; and the said Officer shall afterwards make out for each Party a List of the Forty-eight Names, together with their respective Places of Abode and Additions, and after having made out such List, shall return all the Numbers so drawn out, together with all the Numbers remaining undrawn, to such Under-sheriff or Secondary, or his Agent, to be by such Under-sheriff or Secondary safely and securely kept for future Use ; and all the subsequent Proceedings for reducing the said List, and all other Matters whatsoever relating to Special Juries, shall remain and continue in force as heretofore, except where the same or any Part thereof is expressly altered by this Act; and all the Fees heretofore payable on the striking of Special Juries shall continue to be paid in the accustomed Manner.

XXXIIIThe Parties may, by Consent, have a Special Jury struck according to the ancient Mode.

Provided always, and be it further enacted, That nothing herein contained shall be construed to prevent the Parties in any Cause, or their Attornies, from consenting to have a Special Jury nominated according to the Mode used and accustomed before the passing of this Act, and upon a Consent to that Effect, signed by each Party or his Attorney, being communicated to the proper Officer, he is hereby authorized and required to nominate a Special Jury for the Trial of every such Cause, according to the Mode used and accustomed before the passing of this Act: Provided also, that nothing herein contained shall be construed to prevent the same Special Jury, however

nominated, from trying any Number of Causes, so as the Parties in every such Cause, or their Attornies, shall have signified their Assent in Writing to the Nomination of such Special Jury for the Trial of their respective Causes : Provided always, that it shall be lawful for the Court, if it shall so think fit, upon the Application of any Man who shall have served upon One or more Special Juries at any Assizes or Sessions of Nisi Prius, to discharge such Man from serving upon any other Special Jury during the same Assizes or Sessions of Nisi Prius.

XXXIVCosts of Special Jury.

And be it further enacted, That the Person or Party who shall apply for a Special Jury, shall pay the Fees for striking such Jury, and all the Expences occasioned by the Trial of the Cause by the same, and shall not have any further or other Allowance for the same, upon Taxation of Costs, than such Person or Party would be entitled unto in case the Cause had been tried by a common Jury; unless the Judge before whom the Cause is tried shall, immediately after the Verdict, certify, under his Hand, upon the Back of the Record, that the same was a Cause proper to be tried by a Special Jury.

XXXVFees to Special Jurors.

And be it further enacted, That no Juror who shall serve upon any Special Jury shall be allowed or take for serving on any such Jury more than such Sum of Money as the Judge who tries the Issue shall think just and reasonable, and which shall not exceed the Sum of One Pound One Shilling, except in Causes wherein a View is directed, and shall have been had by such Juror.

XXXVIMode of striking Special Juries in any County of a City or Town (except London) to remain as heretofore.

Provided always, and be it further enacted, That where any Special Jury shall be ordered, by any Rule in any of the Courts aforesaid, to be struck by the proper Officer of such Court, in any Cause arising in any County of a City or Town, except the City of London, the Sheriff or Sheriffs thereof, or the Under-sheriff respectively, shall be commanded by such Rule to bring or cause to be brought, before the proper Officer of such Court, the Books or Lists ef Persons qualified to serve on Juries within the same County of a City or Town ; and in every such Case the Jury shall be taken and struck out of such Books or Lists respectively, in the Manner heretofore used and accustomed; any thing in this Act to the contrary notwithstanding.

XXXVIITales de Circumstantibus.

And be it further enacted, That where a full Jury shall not appear before any Court of Assize or Nisi Prius, or before any of the Superior Civil Courts of the Three Counties Palatine, or before any Court of Great Sessions, or where, after Appearance of a full Jury, by Challenge of any of the Parties, the Jury is likely to remain untaken for Default of Jurors, every such Court, upon Request made for the King by any one thereto authorized or assigned by the Court, or on Request made by the Parties, Plaintiff or Demandant, Defendant or Tenant, or their respective Attornies, in any Action or Suit, whether popular or private, shall command the Sheriff or other Minister, to whom the making of the Return shall belong, to name and appoint, as often as need shall require, so many of such other able Men of the County then present as shall make up a full Jury; and the Sheriff or other Minister aforesaid shall, at such Command of the Court, return such Men duly qualified as shall be present or can be found to serve on such Jury, and shall add and annex their Names to the former Panel, provided that where a Special Jury shall have been struck, for the Trial of any Issue, the Talesmen shall be such as shall be impannelled upon the common Jury Panel to serve at the same Court, if a sufficient Number of such Men can be found ; and the King, by any one so authorized or assigned as aforesaid, arid all and every the Parties aforesaid, shall and may, in each of the Cases aforesaid, have their respective Challenges to the Jurors so added and annexed, and the Court shall proceed to

the Trial of every such Issue with those Jurors who were before impannelled, together with the Talesmen so newly added and annexed, as if all the said Jurors had been returned upon the Writ or Precept awarded to try the Issue.

XXXVIIIFine on Jurors making Default.

And be it further enacted, That if any Man having been duly summoned to attend on any Kind of Jury in any of the Courts in England or Wales herein-before mentioned, shall not attend in pursuance of such Summons, or being Thrice called shall not answer to his Name, or if any such Man, or any Talesman, after having been called, shall be present but not appear, or after his Appearance shall wilfully withdraw himself from the Presence of the Court, the Court, shall set such Fine upon every such Man or Talesman so making Default (unless some reasonable Excuse shall be proved by Oath or Affidavit), as the Court shall think meet: Provided always, that where any Viewer, having been duly summoned to attend on any Jury, shall make Default as aforesaid, the Court is hereby authorized and required to set upon such Viewer (unless some reasonable Excuse shall be proved as aforesaid) a Fine to the Amount of Ten Pounds at the, least, and as much more as the Court, under the Circumstances of the particular Case, shall think proper.

XXXIXSheriff indemnified in returning any Person whose Name is in the List.

And be it further enacted, That every Sheriff and other Minister, to whom the Return of Juries shall belong, shall be and is hereby indemnified for impannelling and returning any Man named in the Jurors Book, although he may not be qualified or liable to serve on Juries ; and that if any Sheriff or other such Minister shall wilfully impanel and return any Man to serve on any Jury before any of the Courts in England or Wales herein-before mentioned (except on the Grand Jury at any Assizes or Great Sessions), such Man's Name not being inserted in the Jurors Book for the current Year, or, if such Book has not been delivered, then in the Jurors Book last delivered, or if any Clerk of Assize, Associate, Prothonotary, Clerk of the Peace, or other Officer of any of the Courts afore-, said, shall wilfully record the Appearance of any Man so summoned and returned, who did not really appear, in every such Case the Court shall and may, upon Examination in a summary Way, set such Fine upon such Sheriff, Minister, Clerk of Assize, Associate, Prothonotary, Clerk of the Peace, or other Officer offending, as the Court shall think meet.

XLSheriff, &c. to register the Names of Jurors who have served.

And be it further enacted, That the Sheriff, or his Under-sheriff, shall from Time to Time register alphabetically, in proper Columns, to be prepared in the Jurors Book for that Purpose, the Services of such Men as shall be summoned and shall attend to serve as Jurors on Trials, before any Court of Assize or Nisi Prius, Oyer and Terminer, or Gaol Delivery, or in the said Courts of the said Counties Palatine or Great Sessions, and also the Times of their Services; and every Man so summoned, and having duly attended or served until discharged by the Court shall (upon Application by him made to such Sheriff or Under-sheriff, before he shall depart from the Place, of Trial,) receive a: Certificate testifying such his Service, which Certificate the Sheriff or Under-sheriff is hereby required to give on Payment of One Shilling : Provided always, that nothing herein contained shall extend to any Grand Jurors or Special Jurors.

XLIClerk of Peace to make out a List of all who serve at Sessions on Grand or Petty Juries, and transmit the same to Sheriff to register.

And be it further enacted, That the Clerk of the Peace, at every Sessions of the Peace to be holden for any County, Riding, or Division in England or Wales, shall make out a List of such Men as shall be summoned and shall attend to serve on any Grand Jury or Petty Jury at such Sessions, together with their respective Places of Abode and Additions, and the Date of their Services, and shall, within Twenty Days after, the Close of every such Sessions, transmit such List to the Sheriff or Under-sheriff of the County, who is hereby required forthwith to register the Names of the Men included in such List in the proper Columns of the Jurors Book for- that Purpose, together with the Date of their Services; and every Man so summoned, and having duly attended or served until discharged by the Court of Sessions, shall, upon. Application by him made to such Clerk of the Peace, before he shall depart from the Place where the Sessions are holden, receive a Certificate, testifying such his Service, which Certificate the said Clerk of the Peace is hereby required to give, on Payment of One Shilling.

XLIIJurors not to be summoned again within certain Periods to Assizes.

And be it further enacted, That no Man shall be returned as a Juror to serve at any Session of Nisi Prius or of Gaol Delivery, in the County of Middlesex, who has served as a Juror at either of such Sessions in the said County, in either of the Two Terms or Vacations next immediately preceding, and has the Sheriff's Certificate of having so served; and no Man shall be returned as a Juror to serve on Trials before any Court of Assize, Nisi Prius, Oyer and Terminer, or Gaol Delivery, or any of the said Courts of the Three Counties Palatine, or the said Great Sessions, who has served as a Juror at any of such Courts within One Year before, in Wales, or in the Counties of Hereford, Cambridge, Huntingdon, or Rutland, or Four Years before in the County of York, or Two Years before in any other County, and has the Sheriff's Certificate of having so served; and no Man shall be returned to serve upon any Grand Jury or Petty Jury, at any Sessions of the Peace to be holden for any County, Riding, or Division in England or Wales, who has served as a Juror at any such Session within One Year before, in Wales, or in the Counties of Hereford, Cambridge, Huntingdon, or Rutland, or Two Years before in any other County, and has the Certificate of the Clerk of the Peace of having so served; and if any Sheriff or other Minister shall wilfully transgress in any of the Cases aforesaid, the Court may and is hereby required, on Examination and Proof of every such Offence in a summary Way, to set such Fine upon every such Offender as the Court shall think meet: Provided, that nothing herein contained shall extend to Grand Jurors at the Assizes or Great Sessions, or to Special Jurors.

XLIIINo Money to be taken to excuse Persons from serving.

And be it further enacted, That no Sheriff, Under-sheriff, Coroner, Elisor, Bailiff, or other Officer or Person whatsoever, shall, directly or indirectly, take or receive any Money or other Reward, or Promise of Money or Reward, to excuse any Man from serving or from being summoned to serve on Juries, or under any such Colour or Pretence; and that no Bailiff or other Officer appointed by any Sheriff, Under-sheriff, Coroner, or Elisor, to summon Juries, shall summon any Man to serve thereon, other than those whose Names are specified in a Warrant of Mandate, signed by such Sheriff, Under-sheriff, Coroner, or Elisor, and directed to such Bailiff, or other Officer; and if any Sheriff, Under-sheriff, Coroner, Elisor, Bailiff', or other Officer, shall wilfully transgress in any of the Cases aforesaid, or shall summon any Juror, not being a Special Juror, Jess than Ten Days before the Day on which he is to attend, or shall summon any Special Juror less than Three Days before the

Day on which he is to attend, except in the Cases herein-before excepted, the Court of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, Great Sessions, or Superior Court of the said Counties Palatine, of Court of Sessions of the Peace, within whose Jurisdiction the Offence shall have been committed, may and is hereby required, on Examination and Proof of such Offence, in a summary Way, to set such a Fine upon every Person so offending, as the Court shall think meet, according to the Nature of the Offence.

XLIVPenalties on High Constables for neglecting to issue Precepts, &c.

And be it further enacted, That if any High Constable within the Meaning of this Act shall, for Fourteen Days after the Warrant of the Clerk of the Peace shall be served on him, or left at his usual Place of Abode, refuse or neglect to issue and deliver his Precept as herein-before directed, to the Churchwardens and Overseers of any Parish, or to the Overseers of any Township within his Constable-wick ; or shall in like Manner refuse or neglect to issue and deliver his Precept to the Churchwardens and Overseers of any Parish, or to the Overseers of any Township, where such Parish or Township extends into any other Hundred, Lathe, Wapentake, or other like District besides his own, either in the same or a different County, (provided the principal Church of such Parish or Township shall be situate within his own Hundred, Lathe, Wapentake, or other like District), or shall refuse or neglect in any of the foregoing Cases to annex to the respective Precepts such a Number of the Forms of Return as he shall bond fide deem sufficient, or to deliver such additional Number as may be demanded of him by any Churchwarden or Overseer as aforesaid, (provided he has such additional Number in his Possession), or in case of his not so having them, shall refuse or neglect to apply forthwith to the Clerk of the Peace for such additional Number, and to deliver the same to the Party so demanding within Three Days after his Receipt thereof; or shall on due Notice refuse or neglect to attend at any such Petty Sessions, or such Adjournment thereof as aforesaid, or to receive any List or Lists there tendered by the Justices present, or to deliver the same to the Quarter Sessions next holden for the County, Riding, or Division, at the Time and in the Manner herein-before directed, or shall make any Alteration in any such List after his Receipt thereof; every such High Constable offending in any of the foregoing Cases, shall for every such Offence forfeit a Sum not exceeding Ten Pounds, nor less than Forty Shillings, at the Discretion of the Justice before whom he shall be convicted.

XLVPenalties on Church: wardens and Overseers for neglecting to make out Lists, &c.

And be it further enacted, That if any Churchwarden or Overseer of any Parish, or any Overseer of any Township within the Meaning of this Act, shall refuse or neglect (unless prevented by Sickness) to assist in making out any List required by this Act, so that the same shall not be made Out at the Time and in the Manner herein-before directed; or shall wilfully omit out of such List any Man whose Name ought to be inserted therein, or shall wilfully insert therein the Name of any Man who ought to be omitted, or shall take any Money or other Reward for omitting or inserting any Man whatsoever, or shall wilfully insert therein a wrong Description of the Name, Place of Abode, Title, Quality, Calling, Business, or the Nature of the Qualification of any Man; or shall refuse or neglect, in case the Number of Forms of Return delivered by the High Constable shall be insufficient, to apply to the High Constable for a sufficient Number, so that the List may be made out at the Time and in the Manner herein-before directed; or shall refuse Or neglect to fix a Copy of such List duly signed, or to subjoin thereto such Notice as herein-before required, on the principal Door of any Church, Chapel, or other public Place of religious Worship within their respective Parishes or Townships, on any of the Sundays on which the same ought to be so fixed; or shall refuse to allow any Inhabitant of their respective Parishes or Townships to inspect such List, or a true Copy thereof, gratis, at any reasonable Time during the Three Weeks herein-before mentioned; or shall, on due

Notice, refuse or neglect to produce such List at such Petty Sessions as aforesaid, or to answer on Oath such Questions touching the same as shall there be put, or to attend at such Petty Sessions, or any such Adjournment thereof as aforesaid ; or shall refuse to allow the said Petty Sessions, or any Justice of the Peace, upon due Request, to inspect or make any Extracts from the Poor Rate of any Parish or Township within their respective Divisions, for the Purposes herein-before mentioned, such Rate being in the Custody of the Party so refusing; every such Churchwarden or Overseer offending in any of the foregoing Cases shall, for every such Offence, forfeit a Sum not exceeding Ten Pounds nor less than Forty Shillings, at the Discretion of the Justice before whom he shall be convicted; and the Justice before whom such Offender shall be convicted of any such Offence of wrongful Insertion or Omission, shall forthwith, in Writing under his Hand, certify the same to the Clerk of the Peace of the County, Riding, or Division in which the Man or Men so wrongfully omitted or inserted shall reside, and the said Clerk of the Peace shall cause the List in which such wrongful Insertion or Omission shall have occurred to be corrected according to such Certificate, and shall also give Notice thereof to the Sheriff or Under-sheriff, who shall correct the Jurors Book accordingly.

XLVIPenalties on Clerks of Peace and Sheriffs neglecting their Duty.

And be it further enacted, That if any Clerk of the Peace shall refuse or neglect to cause a sufficient Number, either of Warrants, Precepts, or Forms of Return, to be printed in the Manner herein-before directed, or shall refuse or neglect to issue and deliver to any High Constable within the Meaning of this Act, the Warrant and Precepts as herein-before directed, or to annex to the same such a Number of the Forms of Return as he shall bond fide deem sufficient, or to deliver to any High Constable such additional Number thereof as he may apply for within Three Days after such Application; or shall refuse or neglect to provide or prepare a Jurors Book within the Time or in the Manner and Form herein-before prescribed or to deliver the same to the Sheriff or Under-sheriff of the County within the Time herein-before prescribed, of to give Notice to the Sheriff of Under-sheriff of any wrongful Insertion of Omission, certified to him by any justice Of the Peace as aforesaid, of to deliver to any Man who shall have been summoned and have duly attended or served as a Grand Juror, or Petty Juror, at the Sessions of the Peace, a Certificate of such Man's Service, on his Application and Payment as aforesaid, or to transmit to the Sheriff or Under-sheriff a List of the Men who shall have been so summoned, and have so attended or served, Within the Time and in the Manner herein-before directed; of if any Clerk of any Such Petty Sessions, to be holden as aforesaid, shall refuse or neglect to give due Notice thereof to arty High Constable, of to the Churchwardens and Overseers of any Parish, or to the Overseers of any Township within such Division ; or if any Sheriff or Under-sheriff of a County, shall make or cause to be made any Alteration Whatsoever in the List of Jurors contained in the Jurors Book, except in consequence of the Conviction of the Churchwarden or Overseer herein-before provided for; or if any Sheriff or Under-sheriff of a County, or any Sheriff or Secondary of London, shall neglect of refuse to provide or prepare a List of Special Jurors in the Manner and Within the Time herein-before prescribed, or shall wilfully write Of cause to be written therein the Name of any Person not qualified, Or shall wilfully omit thereout the Name of any Person duly qualified as a Special Juror, or shall neglect or refuse to write or cause to be Written the several Numbers contained in such List upon distinct Pieces of Parchment or Card, in the Manner and within the Time herein-before prescribed, or shall subtract or destroy, or by any Default or Neglect lose, any of the said Pieces of Parchment or Card, or shall neglect or refuse, upon Discovery of such Loss, to supply the same within Five Days; or if any Sheriff or Under-sheriff of a County shall refuse or neglect to prepare, or keep for Inspection as aforesaid, a Copy of the Panel in the Cases herein-before provided for, or to register the Service of any Juror, as herein-before directed, or to deliver to any Man who shall have been summoned, and have duly attended Or served as a Juror at any Court of Assize, Nisi Prius, Oyer and Terminer, or Gaol Delivery, or in ally of the said Courts of the Three Counties Palatine or Great Sessions, a Certificate

of such Man's Service, on his Application and Payment as aforesaid ; or shall refuse or neglect, within Ten Days after the next succeeding Sheriff shall be sworn into of have entered upon Office to deliver Over to him, as well all the Jurors Books and Lists that shall be made or prepared in the Year of his Sheriffalty, as also all such other like Books and Lists as were prepared in the Sheriffalty of any "of his Predecessors, within Four Years then next preceding, and Which were delivered over to him by any of his Predecessors every such Clerk of the Peace, Clerk of the Petty Sessions, Sheriff or Under-sheriff; Sheriff of London or Secondary, offending in any of the said Cases, shall for every such Offence forfeit the Sum of Fifty Pounds, one Moiety whereof shall be to the Use of His Majesty, His Heirs or Successors, and the other Moiety, with full Costs' to such Person as shall sue for the same, in any of His Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Plaint Or Information, wherein ho Essoign, Protection, or Wager of Law nor more than One Imparlance shall be allowed.

XLVIIJuries de medietate.

Provided always, and it is hereby further enacted, That nothing herein contained" shall extend or be construed to extend to deprive any Alien indicted or impeached of any Felony or Misdemeanor, of the Right of being tried by a Jury de medietate linguce, but that on the Prayer of every Alien so indicted or impeached, the Sheriff or other proper Minister shall, by Command of the Court, return for One Half of the Jury a competent Number of Aliens, if so many there be in the Town or Place where the Trial is had, and if not, then so many Aliens as shall be found in the same Town or Place, if any ; and that no such Alien Juror shall be liable to be challenged for want of Freehold or of any other Qualification required by this Act; but every such Alien may be challenged for any other Cause, in like Manner as if he were qualified by this Act.

XLVIIIJustices not to be summoned as Jurors at Sessions.

And be it further enacted, That no Justice of the Peace shall be summoned or impannelled as a Juror, to serve at any Sessions of the Peace for the Jurisdiction of which he is a Justice. XLIX. Inhabitants of Westminster not liable to serve at Middlesex Sessions.

XLIX

And be it further enacted, That the Inhabitants of the City and Liberty of Westminster shall be and are hereby exempted from serving on any Jury at the Sessions of the Peace for the County of Middlesex.

LQualification of Jurors in Liberties, Cities, and Boroughs, to remain as before.

And be it further enacted, That the Qualification herein-before required for Jurors, and the Regulations for procuring Lists of Persons liable to serve on Juries, shall not extend to the Jurors or Juries in any Liberties, Franchises, Cities, Boroughs, or Towns Corporate not being Counties, or in any Cities, Boroughs, or Towns being Counties of themselves, which shall respectively possess any Jurisdiction, civil or criminal; but that in all such Places, the Sheriffs, Bailiffs, or other Ministers having the Return of Juries, shall prepare their Panels in the Manner heretofore accustomed: Provided always, that no Man shall be impannelled or returned by the Sheriffs of the City of London, as a Juror to try any Issue joined in His Majesty's Courts of Record at Westminster, or to serve on any Jury at the Sessions of Oyer and Terminer, Gaol Delivery, or Sessions of the Peace, to be held for the said City, who shall not be a Householder, or the Occupier of a Shop, Warehouse, Counting-house, Chambers, or Office, for the Purpose of Trade or Commerce, within the said City, and have Lands, Tenements, or Personal Estate of the Value of One hundred Pounds; and that the Lists of Men resident in each Ward of the City of London, who shall be so qualified as herein

mentioned, shall be made out, with the proper Quality or Addition and the Place of Abode of each Man, by the Parties who have heretofore been used and accustomed in each Ward to make out the same respectively; and that such Shop, Warehouse, Counting-house, Chambers, or Office as aforesaid shall, for the Purposes of this Act, be respectively deemed and taken to be the Place of Abode of every Occupier thereof: Provided also, that no Man shall be impannelled or returned to serve on any Jury for the Trial of any capital Offence in any County, City, or Place, who shall not be qualified to serve as a Juror in civil Causes within the same County, City, or Place; and the same Matter and Cause being alledged by way of Challenge, and so found, shall be admitted and taken as a principal Challenge; and the Person so challenged shall and may be examined, on Oath, of the Truth of the said Matter.

LICourts of Nisi Prius, &c. in London may fine Jurors.

And be it further enacted and declared, That every Court of Nisi Prius, Oyer and Terminer, Gaol Delivery, and Sessions of the Peace held for the City of London, shall and may fine any Man duly summoned to attend upon any Kind of Jury in any of such Courts respectively, and making Default, or any Talesman or Viewer making Default, in the same Manner to all Intents and Purposes as such respective Courts in England and Wales herein-before mentioned.

LIIQualification of Jurors on Inquests, &c.

And be it further enacted, That no Man shall be liable to be summoned or impannelled to serve as a Juror in any County in England or Wales, or in London, upon any Inquest or Inquiry to be taken or made by or before any Sheriff or Coroner, by virtue of any Writ of Inquiry, or by or before any Commissioners appointed under the Great Seal, or the Seal of the Court of Exchequer, or the Seals of the Courts of the said Counties Palatine, or the Seals of the Courts of Great Session of Wales, who shall not be duly qualified according to this Act to serve as a Juror upon Trials at Nisi Prius in such County in England or Wales, or in London respectively: Provided always, that nothing herein contained shall extend to any Inquest to be taken by or before any Coroner of a County by virtue of his Office, or to any Inquest or Inquiry to be taken or made by or before any Sheriff or. Coroner of any Liberty, Franchise, City, Borough, or Town Corporate not being Counties, or of any City, Borough, or Town being respectively Counties of themselves, but that the Coroners in all Counties, when acting otherwise than under a Writ of Inquiry, and the Sheriffs and Coroners in all such Places as are herein mentioned, shall and may respectively take and make all Inquests and Inquiries by Jurors of the same Description, as they have been used and accustomed to do before the passing of this Act,

LIIISheriffs, Coroners, and Commissioners may fine Jurors for Non-attendance.

And be it further enacted, That if any Man having been duly summoned and returned to serve as a Juror in any County in England or Wales, or in London, upon any Inquest or Inquiry before any Sheriff or Coroner, or before any of the Commissioners aforesaid, shall not, after being openly called Three Times, appear and serve as such Juror, every such Sheriff, or in his Absence the Under-sheriff or Secondary, and such Coroner and Commissioners respectively, are hereby authorized and required (unless some reasonable Excuse shall be proved on Oath or Affidavit) to impose such Fine upon every Man so making Default as they shall respectively think fit, not exceeding Five Pounds; and every such Sheriff, Under-sheriff, Secondary, Coroner, and Commissioners respectively, shall make out and sign a Certificate, containing the Christian and Surname, the Residence and Trade or Calling of every Man so making Default, together with the Amount of the Fine imposed, and the Cause of such Fine, and shall transmit such Certificate to the Clerk of the Peace for the County, Riding, or Division in which every such Defaulter shall reside, on or before the First Day of the

Quarter Sessions next ensuing; and every such Clerk of the Peace is hereby required to copy the Fines so certified on the Roll on which all Fines and Forfeitures imposed at such Quarter Sessions shall be copied; and the same shall be estreated, levied, and applied in like Manner, and subject to the like Powers, Provisions and Penalties, in all Respects, as if they had been Part of the Fines imposed at such Quarter Sessions.

LIVPersons summoned to serve on Juries in inferior Courts not attending.

And be it further enacted, That every Man duly summoned and returned to serve upon any Jury for the Trial of any Cause or criminal Prosecution, to be tried in any Court of Record holden within the said City of London, other than the Courts herein-before respectively mentioned, or in any other Liberty, Franchise, City, Borough, or Town who shall not appear and serve on such Jury (after being openly called Three Times, and on Proof being made on Oath of the Man so making Default having been duly summoned) shall forfeit and pay for every such his Default, such Fine, not exceeding Forty Shillings nor less than Twenty Shillings, as the Court shall deem reasonable to impose, unless some just Cause for such Defaulter's Absence shall be made appear by Oath or Affidavit, to the Satisfaction of the Court; and that if any Person on whom such Fine shall be imposed shall refuse to pay the same to the Person who shall be authorized by the Court to receive the same, it shall be lawful for such Court then, or at its next Sitting, and the same is hereby authorized and required, by Order of the Court, signed by the proper Officer thereof, to cause every such Fine to be levied by Distress and Sale of the Goods and Chattels of the Person on whom such Fine shall have been imposed; and the overplus Money, if any, which shall remain after Payment of such Fine, and deducting the reasonable Charges of such Distress and Sale, shall be rendered to the Person whose Goods and Chattels shall have been so distrained and sold ; and that every Fine which shall be so imposed shall, when received or levied, be paid by the Person who shall receive or levy the same to the proper Officer of the Liberty, Franchise, City, Borough, or Town in which the Court was holden wherein such Fine was imposed, to be applied to such Uses as Issues set on Jurors, or other Fines set in Courts holden within such Liberty, Franchise, City, Borough, or Town are by Charter, Prescription, or Usage applicable.

LVHow Fines and Penalties shall be recovered and applied.

And be it further enacted, That all Fines to be imposed under this Act by any of the King's Courts of Record at Westminster, or any of the Superior. Courts, Civil or Criminal, of the Three Counties Palatine, or by any Court of Assize, Nisi Prius, Oyer and Terminer or Gaol Delivery, or by any Court of Sessions of the Peace in England, or by any Court of Great Sessions or Sessions of the Peace in Wales, snail be levied and applied in the same Manner as any other Fines imposed by the same Court; and that all other Penalties hereby created (for which no other Remedy is given) shall, on Conviction of the Offender before any one Justice of the Peace within his Jurisdiction, be levied, unless such Penalty be forthwith paid, by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, who is hereby authorized to hear and examine Witnesses on Oath or Affirmation on any Complaint, and to determine the same, and to mitigate the Penalty, if he shall see fit, to the extent of one Moiety thereof ; and all Penalties, the Application whereof is not herein-before particularly directed, shall be paid to the Complainant; and for want of sufficient Distress, the Offender shall be committed by Warrant under the Hand and Seal of such Justice, to the Common Gaol or House of Correction, for such Term not exceeding Six Calendar Months, as such Justice shall think proper, unless such Penalty be sooner paid.

LVIForm of Conviction.

And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted,

That the Justice before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; videlicet,

' BE it remembered, That on in the _____ Year of our Lord _____ at _____ A.B. is convicted before me, C.D., One of His Majesty's Justices of the Peace for the _____ of _____ , for that he the said A. B. did (specifying the Offence, and the Time and Place where the same was committed, as the Case shall be], and the said A.B. is for his said Offence adjudged by me the said Justice to forfeit and pay the Sum of _____ Given under my Hand and Seal, the Day and Year first above-mentioned.'

LVIIConviction not to be quashed for want of Form.

And be it further enacted, That no such Conviction shall be quashed for Want of Form, or be removed or removeable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Penalty to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall such Party be deemed a Trespasser ab initio, on account of any Irregularity Which shall be afterwards done by him; but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case, first giving Notice in Writing of the Cause of Action to the opposite Party One Calendar Month before the Commencement of such Action ; but no Plaintiff shall recover in any Action for such Irregularity, if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Party distraining.

LVIIIPersons sued for any thing done in pursuance of this Act may plead the General Issue.

And be it further enacted, That if any Suit or Action shall be prosecuted against any Person, for anything done in pursuance of this Act, such Person may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon ; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue his or her Action after Issue joined, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall recover Double Costs, and have the like Remedy for the same as any Defendant hath by Law in other Cases ; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

LIXVenue to be laid in the County where the Fact is committed.

And be it further enacted, That all Actions, Suits, and Prosecutions, to be commenced against any Person for any thing done in pursuance of this Act, shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise ; and that Notice in Writing of such Cause of Action shall be given to the Defendant or Defendants, One Calendar Month at least before the Commencement of the Action,

LXWrits of Attaint to be abolished.

And be it further enacted, That from and after the passing of this Act, it shall not be lawful either for the King, or any One on His Behalf, or for any Party or Parties, in any Case whatsoever, to

commence or prosecute any Writ of Attaint against any Jury or Jurors, for the Verdict by them given, or against the Party or Parties who shall have Judgment upon such Verdict; and that no Inquest shall be taken to inquire of the Concealments of other Inquests ; but that all such Attaints and Inquests shall henceforth cease, become void, and be utterly abolished ; any Law, Statute, or Usage to the contrary notwithstanding.

LXIEmbracers and corrupt Jurors punishable by Fine and Imprisonment.

Provided always, and be it enacted and declared, That notwithstanding any thing herein contained, every Person who shall be guilty of the Offence of Embracery, and every Juror who shall wilfully or corruptly consent thereto, shall and may be respectively proceeded against by Indictment or Information, and be punished by Fine and Imprisonment, in like Manner as every such Person and Juror might have been before the passing of this Act.

LXIICommencement of Act.

And be it further enacted, That those Parts of this Act which relate to the issuing of Warrants and Precepts for the Return of Jury Lists, the Preparation, Production, Reformation, and Allowance of those Lists, the holding of the Petty Sessions for those Purposes, the Formation of a Jurors Book, and the Delivery thereof to the Sheriff, and the Preparation of a List of Special Jurors, and of Parchments or Cards, in the Manner herein-before mentioned, shall commence and take effect so soon after the passing of this Act as the proper Periods for doing those Things shall occur; and that the rest of this Act shall commence and take effect on the First Day of January in the Year One thousand eight hundred and twenty-six : And that from and after the Commencement of the several Parts of this Act respectively, so much of the Provisions made in the Forty-third Year of the Reign of King Henry the Third, as relates to Exemptions from Assizes, Juries, and Inquests; and so much of a Statute made in the Fifty-second Year of the same Reign, as relates to the like Exemptions ; and so much of the same Statute as provide that all, being Twelve Years of Age, ought to appear at Inquests for the Death of Man: and so much of the Statutes made in the Twelfth Year of the. Reign of King Edward the First, intituled Statuta Wallice, as relates to Persons of Twelve Years of Age being summoned upon Coroners Inquests; and so much of a Statute made at Westminster, in the. Thirteenth Year of the same Reign, as directs, that the Justices, shall not put in Assizes or Juries any other than those that were, summoned to the same at first; and so much of the same Statute as ordains how many, and what Sort of Persons shall be returned on Juries and Petty Assizes; and a Statute made in the Twenty-first: Year of the same Reign, intituled Statutum de illis qui. debent poni in Juratis et Assizis; and so much of a Statute made in the Twenty-: eighth Year of the same Reign, intituled Articuli super Cartas, as declares how Inquests and Juries are to be impanelled; and an Ordinance made in the Thirty-third Year of the same Reign, commonly, called An Ordinance for Inquests ; and so much of a Statute made in; the Thirty-fourth Year of the same Reign, commonly called Ordinatio Forestce, as enjoins that none of the Ministers therein mentioned be put in Assizes, Juries, or Inquests without, the Forest; and so much; of a Statute made in the Fifth Year of the Reign of King Edward the Third, as relates to the Punishment of a corrupt Juror; and so much of a Statute, made in the Twentieth Year of the same Reign, as relates to the Punishment of Embracers and corrupt Jurors; and so much of a Statute or Ordinance made in the Twenty-seventh Year of the same Reign, commonly called The Ordinance of the Staples, as prescribes the Mode of Trial where one Party or both Parties are Aliens; and so much of a Statute made in the Twenty-eighth Year of the same Reign, as directs how all Manner of Inquests and Proofs shall be taken between Aliens and Denizens; and so much of a Statute made in the Thirty-fourth Year of the same Reign, as accords that Panels of Inquests shall be of the Neighbourhood; and so much, thereof as directs the Proceedings against Jurors taking a Reward toe give their Verdict; and so much thereof as relates to the Qualification of Jurors on Inquests of Escheat; and so much of a Statute made in the Thirty-sixth

Year of the same Reign, as relates to Jurors, on Inquests of Escheat; and so much of the First Statute, made in the' Thirty-eighth Year of the same Reign, as ordains the Penalty on corrupt Jurors and Embracers; and so much of a Statute made in the Forty-second Year of the same Reign, as directs that Panels., in Assizes shall be arrayed Four Days before the Sessions, and what Sort of Jurors shall be put therein ; and so much of a Statute made in the Seventh Year of the Reign of King Richard the Second, as relates to granting a Writ of Nisi Prius at the Suit of any Jurors; and so much of a Statute made in the Eleventh Year of the Reign of King Henry the Fourth, as directs that Jurors in Indictments, shall be returned by the Sheriffs or Bailiffs, without the Domination of any; and so much of the Second Statute, made in the. Second Year of the Reign of King Henry the Fifth, as relates to the Qualification of Jurors; and so much of a Statute made in the Sixth Year of the Reign of King Henry the Sixth, as relates to the Panels in Special Assizes ; and so much of a Statute made in the Eighth Year of the same Reign, as relates to Inquests and Proofs taken between Aliens and Denizens ; and so much of a Statute made in the Twenty-third Year of the same Reign, as ordains, that no Sheriff or Under-sheriff shall return any of their Officers or Servants in any of the Gases therein mentioned; and so much of a Statute made in the Thirty-third Year of the same Reign, as relates to the Qualification of Jurors taking Indictments, in the County Palatine of Lancaster, and in other Counties; and so much of a Statute made in the Eighth Year of the Reign of King Edward the Fourth, as relates to Jurors in Middlesex ; and an Act passed in the First Year of the Reign King Richard the Third, intituled An Act for returning of sufficient Jurors ; and an Act passed in the Nineteenth Year of the Reign of King Henry the Seventh, intituled Be Rio lis Reprimendis ; and so much of an Act passed in the First Year of the Reign of King Henry the Eighth, intituled An Act against Esclieators and Commissioners for making false Returns of Offices and Commissions, as enacts what Qualification every Juror returned before Escheators or Commissioners of the Crown shall have within the same Shire where the Inquiry shall be made; and so much of an Act passed in the Third Year of the same Reign, to perpetuate the last-mentioned Act, as perpetuates that Part thereof which is herein referred to; and an Act passed in the same Year of the same Reign, intituled An Act against Sheriffs for Abuses ; and so much of an Act passed in the Fourth Year of the same Reign, intituled Pour le Juris infra Civitatem London; and of an Act passed in the Fifth Year of the same Reign, intituled An Act concerning Juries in London, as relates to Jurors impanelled for the Trial of Issues joined in any of the Courts at Westminster, and triable in the City of London ; and so much of an Act passed in the same Year of the same Reign, intituled An Act that Surgeons be discharged of Constableship, and other Things, as relates to Juries; and so much of an Act passed in the Twenty-second Year of the same Reign, intituled An Act concerning Abjurations into Sanctuaries, as relates to peremptory Challenges in Murder, and Felony ; and so much of an Act passed in the Thirty-third year of the same Reign, intituled An Act to proceed by a Commission of Oyer and Determiner against such Persons as shall confess Treasons, without remanding the same to be tried in the same Shire where the, Offence was committed, as relates to Challenges for Want of Freehold ; and so much of an Act passed in the Thirty-fourth and Thirty-fifth Years of the same Reign, intituled Art Act for certain Ordinances in the King's Majesty's Dominion and Principality of Wales, as relates to Tales, and to the Qualifications of Jurors in the Cases therein mentioned ; and an Act passed in the Thirty-fifth Year of the same Reign, intituled An Act concerning the Appearance of Jurors in the Nisi Prius ; and so much of an Act passed in the First Year of the Reign of King Edward the Sixth, intituled An Act for the Repeal of certain Statutes concerning Treasons and Felonies, as relates to Challenges for the Hundred; and so much of an Act passed in the Second and Third Years of the same Reign, intituled An Act for the Continuance of certain Statutes, as relates to the said Act of the Thirty-fifth Year of King Henry the Eighth ; and an Act passed in the Fourth, and Fifth Years of the Reign of King Philip and Queen Mary, intituled An Act to make up the Jury de circumstantibus, where the King and Queen's Majesty is a Party ; and an Act passed in the Fifth Year of the Reign of Queen Elizabeth, intituled An Act to fill up Juries de circumstantibus lacking in Wales; arid an Act passed, in the Fourteenth Year of the same Reign, intituled An Act declaring that the Tenant and Defendant may have a Tales de circumstantibus, as well as the Demandant or Plaintiff; and Two Acts passed in the Twenty-seventh Year of the same Reign, the one intituled An

Act for the returning of sufficient Jurors, and for the better Expedition of Trials, and the other intituled An Act for the levying of Issues lost by Jurors; and so much of an Act passed in the Thirty-ninth Year of the same Reign, intituled An Act for the reviving, Continuance, Explanation, perfecting, and repealing of divers Statutes, as relates to the said last mentioned Act; and so much of an Act passed in the First Year of the Reign of King William and Queen Mary, intituled An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown, as declares that Jurors which pass upon Men in Trials for High Treason ought to be Freeholders; and so much of an Act passed in the Fourth and Fifth Years of the same Reign, intituled An Act for reviving, continuing, and explaining several Laws therein mentioned which are expired and near expiring, as relates to Jurors ; and so much of an Act passed in the Sixth and Seventh Years of the same Reign, intituled An Act for exempting Apothecaries from serving the Offices of Constable, Scavenger, and other Parish and, Ward Offices, and from serving upon Juries, as relates to Juries; and an Act passed in the Seventh and Eighth Years of the same Reign, intituled An Act for the Ease of Jurors, and better regulating of Juries ; and so much of an Act passed in the First Year of the Reign of Queen Anne, intituled An Act for continuing former Acts for exporting Leather, and for Ease of Jurors, and for reviving and making more effectual an Act relating to Vagrants, as continues the said Act of the Seventh and Eighth Years of King William the Third ; and also so much thereof as relates to the Qualification of Jurors in the County of York ; and so much of an Act passed in the Third and Fourth Years of the Reign of Queen Anne, intituled An Act for making perpetual an Act for the more easy Recovery of Small Tithes, and also an Act for the more easy obtaining Partition of Lands of Coparcenary, Joint Tenancy, and Tenancy in Common, and also for making more effectual, and amending several Acts relating to the Return of Jurors, as relates to Jurors ; and so much of an Act passed in the Fourth Year of the same Reign, intituled An Act for the Amendment of the Law, and the better Advancement of Justice, as relates to Writs of Venire Facias, and to Jurors having the View ; and so much of an Act passed in the Seventh Year of the same Reign, intituled An Act for improving the Union of the Two Kingdoms, as relates to giving a List of the Jury to the Party indicted of High Treason or Misprision of Treason ; and so much of an Act passed in the Tenth Year of the same Reign, intituled An Act for the reviving and continuing several Acts therein mentioned for the preventing Mischiefs which may happen by Fire, for building and repairing County Gaols, for exempting Apothecaries from serving Parish and Ward Offices, and serving upon Juries, and relating to the returning of Jurors, as relates to Juries and Jurors ; and so much of an Act passed in the Ninth Year of the Reign of King George the First, intituled An Act for continuing some Laws, and reviving, others therein mentioned, for exempting Apothecaries from serving Parish and Ward Offices and upon Juries, and relating to Jurors, and to the Payment of Seamen's Wages, and the Preservation of Naval Stores and Stores of War, and concerning the Militia and Trophy Money, and against clandestine running of uncustomed Goods, and for more effectual preventing Frauds relating to the Customs, and Frauds in mixing Silk with Stuffs to be exported, as relates to Jurors and Juries; and an Act passed in the third Year of the Reign of King George the Second, intituled An Act for the better Regulation of Juries ; and an Act passed in the fourth Year of the same Reign, intituled An Act to explain and amend an Act made in the Third Year of His Majesty's Reign, intituled ' An Act for the better Regulation of Juries,' so far as the same relates to the County of Middlesex ; and so much of an Act passed in the Sixth Year of the same Reign, intituled An Act for making perpetual the several Acts therein mentioned, for the better Regulation, of Juries ; and for empowering the Justices of Session or Assizes for the Counties Palatine of Chester, Lancaster, and Durham, to appoint a Special Jury in manner therein mentioned; and for continuing the Act for regulating the Manufacture of Cloth in the West Riding of the County of York, (except a Clause therein contained); and for continuing an Act for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and for other Purposes therein mentioned ; and to prevent the cutting or breaking down the Bank of any River, or any Sea Bank; and to prevent the malicious cutting of Hop-binds ; and for continuing an Act made in the Thirteenth and Fourteenth Years of the Reign of' King Charles the Second, for preventing Theft and Rapine upon the Northern Borders of England; and for reviving and continuing certain Clauses in Two other Acts made for the

same Purpose, as makes the said Acts of the Third and Fourth Years of the same Reign perpetual, and as relates to Special Juries; and so much of an Act passed in the Twenty-fourth Year of the same Reign, intituled An Act for better Regulation of Trials by Jury, and for enlarging the Time for Trials by Nisi Prius in the County of Middlesex, as relates to Special Juries and Writs of Venire Facias and Challenges of the Array; and an Act passed in the Twenty-ninth Year of the same Reign, intituled An Act to impower Judges of Courts of Record in Cities and Towns Corporate, Liberties and Franchises, to set Fines on Persons who shall be summoned to serve upon Juries in such Courts, and shall neglect to attend; and so much of an Act passed in the Thirteenth Year of the Reign of King George the Third, intituled An Act to discourage the Practice of commencing frivolous and vexatious Suits in His Majesty's Courts at Westminster, in Causes of Action arising within the Dominions of Wales, and for further regulating the Proceedings in the Courts of Great Sessions in Wales, as relates to Special Juries ; and an Act Sassed in the First and Second Years of His present Majesty's Reign, intituled An Act to regulate the Attendance of Jurors at the Assizes, in certain Cases; and so much of an Act passed in the Fifth Year of His present Majesty's Reign, intituled An Act to enlarge and extend the Powers of the Judges of the several Courts of Great Sessions in Wales, and to amend the Laws relating to the same, as relates to the Qualification of Jurors; shall be, and the same are hereby repealed.

LXIIINot to affect the Acts relating to Quakers and Moravians.

Provided always, That nothing herein contained shall be construed to affect or alter any Part of an Act passed in the Seventh and Eighth Years of the Reign of King William the Third, intituled An Act that the solemn Affirmation and Declaration of the People called Quakers shall be accepted instead of an Oath in the usual Form ; nor any Part of an Act passed in the Twenty-second Year of the Reign of King George the Second, intituled An Act for encouraging the People known by the Name Unitas Fratrum, or United Brethren, to settle in His Majesty's Colonies in America.

LXIVNot to affect Powers unrepealed.

Provided also, That nothing herein contained shall extend or be construed to extend to alter, abridge, or affect any Power or Authority which any Court or Judge now hath, or any Practice or Form in regard to Trials by Jury, Jury Process, Juries or Jurors, except in those Cases only where any such Power or Authority, Practice or Form, is repealed or altered by this Act, or is or shall be inconsistent with any of the Provisions thereof, nor to abridge or affect any Privilege of Parliament.

Schedule

Warrant for returning Lists of Jurors

County of to wit. TO the High Constable [or, To _____ one of the High Constables] of the Hundred [Lathe, Wapentake, or other like District] of _____ within the County aforesaid. THESE are to require you, within Fourteen Days after the Receipt hereof, to issue and deliver (in the Form hereunto annexed, or as near thereto as may be,) your Precepts to the Churchwardens and Overseers of the Poor of the several Parishes, and to the Overseers of the Poor of the several Townships within your Constablewick, requiring them to make out and return true Lists of Jurors, and you are at the same Time to annex to each Precept a sufficient Number of the Forms of Returns left herewith, and if you find, that the Number now left with you is not sufficient for all the Places in your Constablewick, you are to apply to me for more; and you are further required to attend at a Petty Sessions, in the last Week of September next, (of which you shall have due Notice), and such Lists as you shall there receive you are to deliver to the next Court of Quarter Sessions for this County, [Riding or Division], on the First Day of its sitting,

and at the same Time to make Oath of your Receipt of such Lists, and that no Alteration has been made therein since your Receipt of them. If there is any Parish within your Constablewick that has no Overseers of the Poor except the Churchwardens, you are in such Case to treat them as the Churchwardens and Overseers of such Parish, and to direct your Precept, together with a sufficient Number of Forms of Return, to them accordingly; and if there is any Parish or Township which extends into any other Constablewick besides your own, you are to treat every such Parish or Township as within your Constablewick, provided the principal Church of such Parish or Township is situated within your Constablewick, and you are to issue your Precepts with a Sufficient Number of Forms of Return accordingly; and these several Matters you are in nowise to omit, upon the Peril that shall ensue. Given under my Hand, at in the said;

County, the _____ Day of _____ in the Year _____
_____ Clerk of the Peace, for the said County [Riding or Division.]

Precept for returning Lists of Jurors

County of to wit. Hundred of To the Churchwardens Overseers of the Poor of the Parish [or, To the Overseers of the Poor of the Township] of BY virtue of a Warrant from the Clerk of the Peace of the said County [Riding or Division] unto me directed, you are hereby required to make out, before the First Day of September next, a true List in Writing, in the Form hereunto annexed, containing the Names of all Men, being natural born Subjects of the King, between the Ages of Twenty-one and Sixty, residing within your Parish [or Township], qualified to serve upon Juries ; that is to say, of every such Man who has in his own Name, or in Trust for him, a clear Income of Ten Pounds by the Year in Lands or Tenements, whether of Freehold, Copyhold, or Customary Tenure, or of Ancient Demesne, situate in the said County, or in Rents issuing out of any such Lauds or Tenements, or in such Lands, Tenements, and Rents taken together, in Fee Simple or Fee Tail, or for his own Life, or for the Life of any other Person ; and also of every such Man who has a clear Income of Twenty Pounds by the Year in Lands or Tenements situate in the said County, held by Lease for the absolute Term of Twenty-one Years, or some longer Term, or for any Term of Years determinable on any Life or Lives ; and also of every such Man who is a Householder in your Parish [or Township], and is rated or assessed to the Poor Rate or to the Inhabited House Duty on a Value of not less than Twenty Pounds [if in Middlesex Thirty Pounds], and also of every such Man who occupies a House in your Parish [or Township] containing not less than Fifteen Windows ; and you are required to make out the said List in Alphabetical Order, and to write the Christian and Surname of every Man at full Length, and the Place of his Abode, his Title, Quality, Calling, or Business, and the Nature of his Qualification, in the proper Columns of the Forms hereunto annexed, according to the Specimens given in such Columns for your Guidance. And if you have not a sufficient Number of Forms, you must apply to me for more ; and in order to assist you in making out the List, you are to refer to the Poor Rate, and you may, if you think proper, apply to any Collector or Assessor of Taxes, or any other Officer who has the Custody of any House Tax, Land Tax, or other Tax Assessment for your Parish [or Township], and take from thence the Names of Men so qualified : And in making such List you are to omit the Names of all Peers, all Judges, all Clergymen, all Roman Catholic Priests who shall have duly taken and subscribed the Oaths and Declaration required by Law; all Ministers of any Congregation of Protestant Dissenters whose Place of Meeting is duly registered, provided they follow no Secular Occupation except that of a Schoolmaster, and produce to you a Certificate of some Justice of the Peace of their having taken the Oaths and subscribed the Declaration required by Law; all Serjeants and Barristers at Law, all Members of the Society of Doctors of Law, and all Advocates of the Civil Law, if actually practising, and all Attornies, Solicitors, and Proctors, if actually practising, and having taken out their annual Certificates; all Officers of the Courts of Law and Equity, and of the Admiralty and Ecclesiastical Courts, if actually exercising the Duties of their respective Offices ; all Coroners, all Gaolers and Keepers of Houses of Correction ; all Members and Licentiates of the Royal College of Physicians in London, all Members of the Royal Colleges of Surgeons in London, Edinburgh, and Dublin, and Apothecaries certificated by the Court of

Examiners of the Apothecaries Company, if actually practising as Physicians, Surgeons, or Apothecaries respectively ; all Officers of the Navy and Army on Full Pav; all Pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all Masters of Vessels in the Buoy and Light Service employed by either of those Corporations, and all Pilots licensed by the Lord Warden of the Cinque Ports, or under any Act of Parliament or Charter for the Regulation of Pilots in any other Port; all the Household Servants of His Majesty; all Officers of Customs and Excise; all Sheriff's Officers, High Constables, and Parish Clerks ; and also all Persons exempt by virtue of any Prescription, Charter, Grant, or Writ. And when you have made out such List, you are authorized to order a sufficient Number of Copies thereof to be printed [the Expence of which Printing will be allowed you by the Parish [or Township] and you are required, on the Three First Sundays in September next, to fix a Copy of such List, signed by you, on the principal Door of every Church, Chapel, or other public Place of Religious Worship within your Parish [or Township], and also to subjoin to every such Copy a Notice to the following Effect, inserting the Time and Place, of which you shall be previously informed :

“Take Notice,”that all Objections to the foregoing List will be heard by the " Justices in Petty Sessions, on the _____ Day of September next, " at the Hour of _____ at _____ ;" and you must allow any Inhabitant of your Parish [or Township] to inspect the original List, or a true Copy of it, during the Three First Weeks of September next, gratis ; and you are also further required to produce the said List at such Petty Sessions, and there to answer, on Oath, such Questions as shall be put to you by His Majesty's Justices of the Peace there present, touching the said List; and these several Matters you are in nowise to omit, upon the Peril that may ensue. Given under my Hand, at _____ in the said County, the _____ Day of _____ in the Year _____ _____ High Constable.

The Form of Precept in Wales is to be altered according to the Difference of QualificationForm of Return

County of to wit. The Return of the Churchwardens and Overseers [or of the Overseers] of the _____of _____ in the Hundred of _____ in the said County, of Men qualified: to serve on Juries.

Parish or Township; in Towns, add the Name of the Street,	Christian and Surname at full Length,	Title, Quality, Calling, or Business.	Nature of Qualification.
All Saints, Derby:			
King-street	Adams, John	Esquire	Freehold,
John-street	Alley, James	Merchant	Copyhold.
Duke-street	Bond, Henry	Baker	Leasehold.
High-street	Boyd, George	Grocer	Poor Rate.
Duke-street	Cole, Charles	Butcher	House Assessment,
Church' street	Cook, John	Inn-keeper	Windows.