

and entered on the journals of their proceedings. And the like sum of twenty thousand pounds of the said bills of credit shall be cancelled and burned in like manner in the year of our Lord one thousand seven hundred and eighty-seven and the like sum in each succeeding year until the whole of the said bills of credit shall have been so redeemed, cancelled and destroyed.

[Section XLV.] (Section LX, P. L.) And be it enacted by the authority aforesaid, That the treasurer of this state for the time being shall be allowed by way of commission for his trouble and expenses in receiving such moneys as he shall receive by virtue of this act and for paying and cancelling the same as herein before directed eight shillings and four pence for every hundred pounds he shall so received and pay away or cancel as aforesaid and no more.

Passed March 16, 1785. Recorded L. B. No. 2, p. 434, etc. See the Acts of Assembly passed March 25, 1785, Chapter 1140; April 4, 1785, Chapter 1159; September 10, 1785, Chapter 1174; March 1, 1786, Chapter 1202; March 8, 1786, Chapter 1209; March 24, 1786, Chapter 1218; March 3, 1786, Chapter 1204; April 8, 1786, Chapter 1226; March 28, 1787, Chapter 1284; October 4, 1788, Chapter 1374; December 8, 1789, Chapter 1473; April 6, 1791, Chapter 1545; April 9, 1791, Chapter 1560; as to section 18 (Section 31, P. L.) see the Act of Assembly passed September 19, 1786, Chapter 1242.

CHAPTER MCXXXVIII.

AN ACT FOR THE BETTER REGULATION OF JURIES.

(Section I, P. L.) Whereas the due regulation of juries is of the utmost importance to the liberty and happiness of the people, and the constitution of this state recommends to the legislature thereof to provide by law against every corruption or partiality in the choice of juries:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Common-

wealth of Pennsylvania in General Assembly met, and by the authority of the same, That every sheriff and coroner hereafter commissioned within this state shall before he enter on the execution of his office besides the usual oath or affirmation of office as required by the constitution and laws of this state take the following oath or affirmation according to law, "I, A. B. do swear (or being conscientiously scrupulous of taking an oath, affirm) that in executing every writ or precept that shall come to my hands for the return of jurors I will use my utmost diligence to prevent any man from being summoned or returned by me or by any officer under me for a juror who in my judgment will be influenced in determining any of the matters which shall come before him as a juror by hatred, malice or ill-will, fear, favor or affection or by any partiality whatever."

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the sheriff or other proper officer to whom the return of process for the trial of causes shall belong shall summon and return as jurors sober and judicious persons of good reputation and none other.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That every sheriff or any officer to whom the return of venire facias juratores, or other process for the trial of causes before the judges of oyer and terminer, general gaol delivery and nisi prius doth belong, shall, upon return thereof, unless in cases where a special jury shall be struck by rule of court, annex a panel to the said writ containing the Christian and surnames, additions, and places of abode of a competent number of jurors, the names of the same persons to be inserted in the panel annexed to every such writ for the trial of all issues in civil and criminal causes at the said courts in each respective county; which number of jurors in any county shall not be less than forty-eight nor more than sixty without the direction of the judge or judges appointed to go the circuit and sit as judge or judges of oyer and terminer, general gaol delivery or nisi prius, in such county, who are hereby empowered and required if he or they see cause by order under his hand or their hands to direct a greater number not to exceed eighty and

then the number so directed shall be the number who shall be summoned and returned to serve on such juries respectively.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the sheriff of the county of Philadelphia or other county where the supreme court of judicature shall be holden or other officer to whom the return of the venire facias juratores or other process for the trial of causes at bar before the justices of the said supreme court doth belong, shall, upon return thereof, unless in cases where a special jury shall be struck by rule of court annex a panel to the said writ containing the Christian and surnames, additions and places of abode of a competent number of jurors; the names of the same persons to be inserted in the panel annexed to every such writ for the trial of all issues to be tried at the bar of the said court during the ensuing term, which number of jurors shall not be less than forty-eight nor more than sixty, who shall be the number who shall be summoned and returned to serve on such juries.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That every sheriff or other officer to whom the return of the venire facias juratores or other process for the trial of causes before the justices of the county court of common pleas in any county doth belong, shall, upon return thereof, unless in cases where a special jury shall be struck by rule of court, annex a panel to the said writ containing the Christian and surnames, additions and places of abode of a competent number of jurors, the names of the same persons to be inserted in the panel annexed to every such writ for the trial of all issues in causes in that court at the next term which number of jurors shall not be less than twenty-four nor more than thirty-six, who shall be the number who shall be summoned and returned to serve on such juries.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the sheriff or other officer to whom the return of venire facias juratores or other process for the trial of causes before the justices of the general quarter sessions of the peace and gaol delivery in any county or in the city of Philadelphia doth belong shall, upon return thereof, annex a panel to the said writ containing the Christian and sur-

names, additions and places of abode of a competent number of jurors for the trial of all issues in the respective court at the next sessions, which number of jurors in any county or in the said city shall not be less than thirty-two nor more than forty-four, who shall be the number, who shall be summoned and returned to serve on such jury.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the sheriff or other returning officer in every county and in the city of Philadelphia shall summon each of the said jurors at least ten days before the day of the return of the writ or process and shall cause a copy of the panel to be made by him as aforesaid to be openly and publicly fixed up in his office and another copy thereof to be in like manner fixed up in the office of the prothonotary or of the clerk of the proper court from which the same writ or process shall have issued seven days at the least before the day of the return of such writ or process in order that the parties therein concerned may have due and timely notice of the persons who may be called to serve on such jury and the persons whose names shall be thus fixed up and no other shall be returned as jurors upon such writ or process as aforesaid.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the name of each and every person who shall be so summoned and impanelled shall be written on several and distinct pieces of parchment or paper the same pieces being all as nearly of equal size and shape as may be by the prothonotary or clerk of the court or his agent who shall by direction and under the notice of the judge or justice therein presiding roll the said papers severally in like manner as nearly as may be and put them together in a box to be provided for that purpose by the said prothonotary or clerk, and when any cause shall be brought on to be tried some indifferent person by direction of the court, shall, in open court, draw out of the said box twelve of the said parchments or papers, one after another, and if any of the persons whose names shall be so drawn, shall not appear, or be challenged and set aside, then such further number of the said parchments or papers shall be drawn until twelve persons of those who appear and who be

not set aside be had to serve on the jury and the said twelve persons so first drawn who appear and shall be allowed, their names being marked in the panel, and they being sworn or affirmed as the law directs shall be the jury to try the cause so brought on to be tried as aforesaid; and the parchments or papers which bear the names of the persons, who shall be so drawn, and sworn and affirmed, shall be kept apart by themselves, in some other box, to be provided as aforesaid and kept for that purpose until such jury shall give in their verdict, and the same be recorded, or until the said jury shall, by leave of the court, or consent of the parties in the cause, be discharged, and then the same names shall again [be] rolled up, and returned to the box first before mentioned, there to be kept with the other names, remaining at that time undrawn; and so toties quoties, as long as any cause shall remain to be tried, during the term, sessions, or holding of the court.

[Section IX.] (Section X, P. L.) Provided always and be it enacted by the authority aforesaid, That if any cause shall be brought on to be tried in any of the courts aforesaid, respectively, before that the jury which may be charged in any other cause shall have given in their verdict, or shall be discharged, it shall and may be lawful for the court to order, that twelve of the remaining parchments or papers aforesaid (not containing the names of any of the jurors in such other cause) to be drawn in manner aforesaid for the trial of the cause which shall be so brought on to be tried.

[Section X.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That every person whose name shall be so drawn as aforesaid and who shall not appear after being openly called three times, due proof being made by the oath or affirmation of the sheriff or other credible person that such person so making default hath been lawfully summoned, shall forfeit and pay for every such default in not appearing upon call as aforesaid unless some reasonable cause of such person's absence be proved by affidavit to the satisfaction of the same court or to the next succeeding court such fine not exceeding six pounds as the court shall think proper to inflict, which fine the sheriff of the proper county shall, within twenty days after

the next succeeding court aforesaid, levy by virtue of a writ to be issued by the court and pay the same to the prothonotary or clerk of the same court.

[Section XI.] (Section XII, P. L.) Provided always and be it enacted by the authority aforesaid, That if a sufficient number of the persons who shall be so summoned and returned to serve as jurors in manner as is herein before directed shall not appear at the court to which they shall be so summoned or if by reason of challenges or otherwise there shall not be a sufficient number of jurors ready for the trial of any cause then brought on to be tried, in such case upon order of the court for filling the jury tales de circumstantibus shall be immediately summoned and returned by the sheriff unless he be liable to some legal exception; and in such case to be returned by the coroner unless he be also liable to such exception and then to be returned by two proper and indifferent persons to be appointed by the court for that purpose; and the persons who shall be thereupon summoned and returned shall attend and serve as jurors at such court accordingly and in case any of the persons who shall be summoned as tales de circumstantibus shall refuse or neglect to attend as aforesaid the court shall inflict such fine upon such defaulters as is herein before directed in other cases upon persons who being summoned as jurors shall fail so to do and every such fine shall be levied, collected and paid over by the sheriff of the county as is herein before enjoined.

[Section XII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That in any case wherein a view shall be allowed in any case, six of the jurors named in the panel or more of them, one-half thereof to be nominated by one party, and the other half by the other party; and in case either party shall refuse to make such nomination then the same shall be selected by the sheriff or other officer, who shall have the view and such of the said viewers who appear at calling the jury to try the said cause shall first be sworn and affirmed to try the same before any drawing as aforesaid and so many jurors only shall be drawn as aforesaid to be added to the said viewers who appear as shall after default and allowed challenges make up

the number twelve, to be sworn and affirmed for the trial of such cause.

[Section XIII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the sheriff or other officer to whom the return of process for the returning of juries shall belong shall from time to time, enter or register in a book to be kept for that purpose alphabetically the surnames of all such persons who shall be summoned and shall attend and serve upon juries in the said courts with their Christian names, additions and places of abode; and also the times of their respective services; and every person so summoned and attending or serving as aforesaid shall upon application by him made to such sheriff or other officer have a certificate testifying such his attendance or service; which certificate such sheriff or other officer is hereby directed and required to give without fee or reward; and the said book shall be delivered over by such sheriff or other officer to his successor, and toties quoties, from time to time.

[Section XIV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That no person shall be returned to serve on a grand jury or on a petty jury in any of the said courts respectively (cases of special juries excepted) who hath served as a juror in any of the same courts within the space of one year preceding and if any sheriff or other officer shall wilfully transgress therein the court to which such person shall be summoned contrary to this act on examination and proof in a summary way of such offence may set a fine upon such offender as to the said court shall seem meet not exceeding ten pounds and not less than three pounds for any one offence.

[Section XV.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That whenever any verdict in a civil action or cause shall be taken the plaintiff or defendant for whom the same shall be given shall forthwith pay to the prothonotary or clerk of the court thirty shillings which shall be taxed with the costs and afterwards re-paid by the party against whom such verdict shall be given if the same be a verdict wherein costs be recoverable for the use of the party [so] advancing that sum; and the money so to be collected together

with the fines upon persons who shall be summoned as jurors and who may make default shall be a fund towards defraying the expenses of the juries who shall attend on the said courts respectively and if the same prove deficient the prothonotary or clerk of the respective court is hereby authorized and required to make an order to be approved and signed by the judge or justice who shall preside in such courts in favor of each juror for such balance as may be due for his attendance or service as aforesaid on the treasurer of the county who is hereby required to pay the same. Each juror whether grand juror or petty juror as well upon special as common juries to be allowed for every day he shall attend or serve as aforesaid five shillings and no more and provision shall accordingly be made in estimating and laying the county rates in the several counties of this state.

[Section XVI.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for any plaintiff or plaintiffs, defendant or defendants, in any civil action or cause depending in any court to enter a rule for a special jury to be struck before the prothonotary or clerk of such court for the trial of any issue joined in such action or cause and triable by a jury of twelve men in such manner as special juries have heretofore been struck, which jury so struck, shall be summoned in manner aforesaid and shall attend and serve under the penalties herein before directed to be inflicted on other jurors making default as aforesaid, the same to be levied, collected and paid over by the sheriff of the proper county in like manner as is in other cases by this act enjoined.

[Section XVII.] (Section XVIII, P. L.) Provided always and be it further enacted by the authority aforesaid, That every such jury shall be struck thirty days at [the] least before the day of the return of the process for summoning such jury to attend and that the party entering such rule shall forthwith serve a copy thereof on the attorney of the other party, together with a copy of the list of jurors so to be struck and due notice to attend to strike the same, at the office of the said prothonotary or clerk.

[Section XVII.] (Section XIX, P. L.) And be it further en-

acted by the authority aforesaid, That the party who shall enter such rule for striking a jury as aforesaid shall bear and pay the fees for striking the same and shall not have any allowance for them upon taxation unless the court upon trial shall certify that it was proper the cause should be tried by a special jury.

[Section XIX.] (Section XX, P. L.) And be it enacted by the authority aforesaid, That if any person shall be legally summoned in the supreme court or other court of record of this commonwealth as a grand juror or as a special juror and such person shall not appear accordingly but shall make default, the judge or judges or justices of the proper court shall inflict such fine upon such offender not exceeding six pounds unless reasonable cause be shown as aforesaid as to the court shall seem proper, to be levied, collected and paid over in like manner as is by this act authorized and directed in other cases and to be applied to like uses and purposes.

[Section XX.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That the regulations in and by this act directed shall take effect and be in force from and after the first day of September next.

Passed March 19, 1785. Recorded L. B. No. 2, p. 453, etc. See the Acts of Assembly passed September 13, 1787, Chapter 1307; March 27, 1789, Chapter 1412.

CHAPTER MCXXXIX.

AN ACT FOR DIRECTING THE MODE OF DISTRIBUTING THE DONATION LANDS PROMISED TO THE TROOPS BY THIS COMMONWEALTH.

(Section I, P. L.) Whereas the general assembly by a resolution passed the seventh of March, one thousand seven hundred and eighty, did resolve upon certain allowances of land to be given by this state to the officers and privates of the Pennsylvania line as therein particularly specified:

And whereas, by an act of assembly passed the twelfth day of March, one thousand seven hundred and eighty-three, a cer-