

peace of such county, to sell such person or persons to serve for a period of time not exceeding six calendar months, and the money therefrom arising, after payment of the charges arising from such commitment and confinement, to pay over unto the justices of the levy courts of the respective counties, for the use of said counties.

C H A P.
LXVII.

XXI. And be it enacted, That no petition or petitions for freedom shall hereafter originate in the general court of either shore, but shall commence and be tried only in the county where such petitioner or petitioners shall reside, under the direction of his, her or their master, mistress or owner; and the court of the county in which such petition or petitions shall be preferred, shall have full power and authority to issue process against such master, mistress or owner, for the purpose of compelling his or her appearance, directed to the sheriff of the county where such person or persons shall reside, and such sheriff shall serve and return such process, in the same manner as if issued by the county court of his county, and in case of neglect or delay in such sheriff to execute and return such process, he may be fined by the court issuing such process.

No petition to originate in the general court, &c.

XXII. And be it enacted, That in all petitions now depending, or hereafter commenced, for freedom, either the petitioner or defendant may apply to the court for the benefit of a trial by jury, and the court shall thereupon charge, as the law directs, the attending jury, to determine each and all of the allegations contained in the said petition, which may be controverted, any law, usage or custom, to the contrary notwithstanding.

Petitioner, &c. may apply to the court, &c.

XXIII. And be it enacted, That there shall be no appeal from the judgment of the county court upon such petitions, except as to matters of law, where the facts shall have been tried by a jury, and the master, mistress or owner, of such petitioner, or the petitioner, at the election of either, shall have the right of appeal as to matters of law only, and to take bills of exception in all cases so tried to the general court of their respective shore, any thing in this act contained to the contrary notwithstanding.

There shall be no appeal, &c.

XXIV. And be it enacted, That either the master, mistress or owner, of such petitioner, or the petitioner, shall have the right and privilege of challenging peremptorily to the number of twelve jurors impannelled to try the facts in issue, and for want of a sufficient number of jurors remaining upon the original pannel, a *tales*, at the prayer of either party, shall be awarded by the court to try the said issue or issues.

Master, &c. may challenge, &c.

XXV. And be it enacted, That in all cases of petitions for freedom hereafter to be instituted in any court of law in this state, where the petition or petitions shall be dismissed, or upon trial the judgment be against such petitioner or petitioners, the attorney prosecuting or appearing to the same shall pay all legal costs arising thereon, unless the court, before whom the same may be brought, shall be of opinion, under all circumstances, that there was probable ground to suppose the said petitioner or petitioners had a right to freedom; and that in all cases of petitions for freedom now depending in any court of law in this state, except on appeal, where a similar petition or petitions, at the suit of the same party or parties, has or have been before filed and dismissed, the court before whom such petition or petitions are depending shall order a stay of all proceedings until the costs of the former petition or petitions, and all reasonable demands and expences sustained or incurred by the defendant or defendants therein, to be ascertained by the court, shall have been paid or secured to be paid.

The attorney to pay costs in certain cases, &c.

XXVI. And be it enacted, That in case the said costs, damages and expences, shall not be paid within six months after the court shall have ordered a stay of proceedings, and ascertained the said damages and expences as aforesaid, the defendant or defendants in such petition or petitions, so as aforesaid depending, and his, her or their securities, shall be discharged from any recognizance by him, her or them, entered into, in consequence of such petition or petitions being filed, and the said petition shall be forthwith dismissed.

If not paid, defendant to be discharged, &c.