

HOUSE....No. 50.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, February 20, 1857.

The Committee on the Judiciary, to whom was referred the Order of February 5, 1857, relating to Jury Trials, have considered the same, and report the accompanying Bill.

For the Committee,

HENRY VOSE.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-
Seven.

AN ACT

Relating to Jury Trials.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—

1 SECT. 1. In all jury trials in this Commonwealth,
2 except before police courts and justices of the peace,
3 and on the trial of all criminal prosecutions other
4 than capital cases, each party shall be allowed to
5 challenge, peremptorily, three of the persons consti-
6 tuting the jury impanelled to try the case.

1 SECT. 2. After a jury shall have been impanelled
2 to try any cause or criminal prosecution, other than
3 a capital case, any party desiring to exercise the right
4 of challenge provided for in this act, shall, before pro-

5 ceeding to trial, hand to the clerk of the court, or* to
6 the sheriff or person appointed to preside at the trial
7 in hearings before juries to assess damages caused by
8 the location, alteration, or discontinuance of a high-
9 way, or the making and maintaining a railroad, or
10 damages claimed under chapter one hundred and six-
11 teen of the Revised Statutes, the names, not exceeding
12 three, of the jurors whom he wishes to challenge, and
13 the clerk, or sheriff, or person presiding at the trial
14 before a jury to assess highway, railroad, or other
15 damages, shall thereupon substitute other jurors for
16 those so challenged; and the clerk of the court shall
17 in no case communicate to any person the name of the
18 party by whose challenge any juror shall be withdrawn
19 from the panel.

The following is a list of the names of the persons who
 were appointed to the office of Justice of the Peace
 for the County of ... in the year 1848-49.
 The names are as follows:

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