

12 as aliens, and among them some who in truth are not such, it seems that the party shall not be concluded by such return but may notwithstanding challenge the array for want of a sufficient Number Hawkins ibid. 593. But tho the Procept orders a Return of 12 Men only to be Made, the Sheriff Bailiff or Stewart Usually Return 60 or 80 or so many, as that there may be a sufficient Number to Make up a Jury of twelve. ^{12 p. 16. and p. 21.} ~~Not less~~ all those which may be duly challenged, some are by Privilege Exempted from serving Upon Juries, as 1st Noblemen, who are not Empannelled upon ordinary Juries, but only when a peer is to be tried: for every man is to be tried per Legale Judicium Parium suorum, Magna Charta cap. 29 that is, Noblemen by Noblemen, and Commons by Commons Coke 2 Inst. 29. 2^d Others are Exempted from serving Upon Juries upon the Account of their Employment: as Clergy men Coke 2 Inst. 3. 625 who are not to be intangled with secular affairs 2 Jimmoth. 2. 4. Apothecaries 687 W. 3 cap. 4 Jund. 10 A. cap. 14 53. That they may attend the sick Diligently as they ought; and sea men Registered for the Kings service 788 W. 3 cap. 21 56. 3^d Some old and infirm men above 70 Years of Age are saved by a writ de non poudis in assisid 13 Edw. 1 cap. 38. 788 W. 3 cap. 32 5486. 4th Others have Charters of Exemption from the King. 5th Others have acquired such Immunity by long Custom. But in some Extraordinary cases, and where without their Justice cannot be Maintained, those who have Charters of Exemption May be forced to serve as Jurors 52 R. 3 cap. 14. The Sheriff is not to give up the Validity of a Charter of Exemption by allowing or Disallowing it, but Notwithstanding such a Charter shewed to him, may Return the same; Unless he offer sheweth to the Sheriff a writ of Allowance Coke 2 Inst. 130.

After a Conino facias is signed and sealed, the Clerk of

of Arraignment 3, Understanding from the Clerk Man to what time he is pleased the Court should be adjourned, send for the Grand jury, and call them over and adjourns them to that time, as in the first Adjournment; or if the Court please, he Discharge them then, Gentlemen of the Grand Jury sit. The court thanks you for your good service, and do the Discharge of you. Upon which he bids the Cryer make three cries and Repeat the Adjournment in Manner before Mentioned, to such a day, hour and place, as the Court doth Direct.

When four or more Justices and Common Pleaders (Mundges rim Meet at the time and place the court was adjourned to, the Clerk writes down the day and place and their Names; Makes proclamation and calls the court as at the session upon the first adjournment; and calls over the Grand jury, Unless they were Discharged at the former sitting. Then he causes the Cryer proclaim, Sheriff of this county of B.C. Return the procept to you Directed and Delivered for summoning a Jury to try between our sovereign Lord the King, and the prisoners that shall be at the Bar Nextorable here this day on pain and peril will fall thereupon. The Sheriff Under Sheriff Returns the procept Under the Seal of the County. Annexo. Which parcel is intituled, the County of B.C. Nomina Jur. ad triand. inter Commum Regem &c. prison. ar. ad bar ram, or to that effect; and Contains the Names of all the freeholders therein written, One under Another, with the Additions of their titles and dwelling places. Such Ranking or ordering of the Jurors Names, is termed the Array (in Latin Arraia or Arrangement) from the obsolete French word Array door, or from Arre a line, so we say an Army in battall Array. If a Juror be Returned without the Addition of his place of abode at that time or within a Year before, or other Addition by which he may be