

dence; yet for these and many more Misdemeanours, they may be fined. I shall instance in some more (*viz.*) If an obstinate Jurymen will keep his Fellows together, by disagreeing with them without giving any Reason, or if he withdraw from them, he may be fined and committed, because he is sworn well and truly to try the Issue, and therefore to be resolute without a Cause, or depart from the rest is a Misdemeanour.

In *Baynes* his Case, the Jury had agreed on two Verdicts, intending to cancel one if the Court should be satisfied of the other. *Cro. Eliz.* 778.

So if they cast Lots, whether to find for the one or the other, this is a great Misdemeanour. *2 Lev.* 140, 205.

If they eat or drink *before they bring in their Verdict*, they are to be fined; and so they are if they eat and drink *before or after they are agreed*. But though they are to be fined, the Verdict shall stand good if they eat, &c. at their own Charge; but if at the Charge of the Party for whom they find, then it shall be set aside. *1 Leon.* 133. *Dyer* 137.

And some of them have been fined for having Figs and Pippins in their Pockets when they were withdrawn to consider of their Verdict, though they did not eat them. *1 Leon.* 133. *Moor.* 599.

Though the Law entrusts the Sheriff to return the Jury, yet the Parties have the Liberty to *Challenge* them (*i. e.*) to except against any who are returned, which they may do against the whole Panel, and then tis call'd, a Challenge to the *Array*, or against some particular Persons, and then 'tis called a Challenge to the *Polls*.

A Principal Challenge to the *Array* is, where the Sheriff is of Kin to the Party; but in such Case he must shew how and in what degree of Kindred;