

in such Cases, would sometimes summon as many as he pleased, and by this means the People were oppressed.

Therefore by the Statute, *Westminster 2. cap. 38.* Sheriffs were ordered to summon in one Assize twenty-four, and no more.

But it hath been adjudged, That this old Statute extends only to Jurors returned in Civil Actions, and not for the Trials of Criminal Causes; for in such Case the Sheriff might be commanded by the Court to return more, and 'tis usual to return sixty because of the peremptory Challenges.

But in Civil Causes, if there are not enough of the Principal Panel, the Sheriff may return a *Tales* out of some other Panel of the Jurors then attending; and if such *Tales Men* withdraw and will not serve, the Judge may fine them.

Every Summons of Persons, who are qualified to serve on Juries, shall be made by the Sheriff, or his proper Officer, and that at least six Days before the Trial, shewing to the Person the Warrant, under Seal of the Office; and if such Juror is not at his usual place of Habitation, then the Sheriff, or Officer, may leave a Note in Writing under his Hand to that effect, at his Dwelling-House, with some Person inhabiting there.

The Return made to the Justices shall be a good Excuse to the Sheriff, though he summon one who is not qualified, and on Action brought against him, the general Issue may be pleaded, and he may give this Act in Evidence; and if the Plaintiff be nonsuited, or discontinue, or a Verdict against him, then he shall pay treble Costs; and if the Sheriff, or his Deputy, or Bailiff, summon any Freeholder, or Copyholder, otherwise than as aforesaid, or neglect his Duty, or excuse any Person for Favour or Reward, or al-

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