

be known, the offender for facts five Markes, to the King, and the like sum to the party grieved 27 Eliz. cap. 7.

The Clerk of Arraignments bids the Keeper set the prisoners to the bar as he shall Name to him. Which being done, he bids the Cryer Repeat, You good Men that are Impannelled to try between our Sovereign Lord the King and the Prisoners at the Bar, Answer to your Names, every one at the first call, on pain and Peril shall fall thereon. He Marketh those who appear with a Visible Speck or Dale before their Names. And the Cryer calls those who Appear do not over again this, You of the Jury who were ~~over~~ called, and Made Default, answer to Your Names and pay Your fines. There goes forth against the Defaulters a writ called Habeas Corpus to attack their persons, and then a Distringas to seize and Detrain their goods and Chattels, if the former writ bring them not in. And Up on every writ the Sheriff Returns issued i. e. the forfeiture for not Appearing upon every Juror failing to appear 35 H. 8 cap. 654. The Clerk acquaints the court how many Jurors appear in the whole: and calls the witnesses for the King, whose Names are Indorsed upon the Indictments against the prisoners to be tried, to know if they be all Ready. And then asks the Court, which prisoner they Intend shall be tried first. It is thought most Expedient to try but one prisoner for treason at once: because if More should be tried together, every one having the Benefit of Challenging 35 Peremptory, may challenge so Many, and make such Confusion, as that out of all who appear on the Panel, there will not remain 12 Unexcepted against to try the Prisoners and so put off the trial till by a New procept, a New Jury be got Returned.

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The Clerk bids the Keeper set the prisoner to be first tried to the Bar, and take away the other prisoners from it: and calls to know, if the witnesses against him be Ready. Then asks him who is to be tried, if he hath had a Copy of the Panel of the Jury Delivered to him two days (or more) since: if he should deny his receiving of it, some witness for the King who Delivered the Copy to him, must touch or prove that he got it. But after the Prolocutor is dead, there will be occasion for the Clerk to ask such a prisoner if he had a list of the Jury and witnesses Delivered to him ten days before the trial, and for two witnesses to be present to Attest the Delivery in case of his Denying the same y. l. cap. 21 s. 11. The Clerk then says, You N. B. now prisoners at the Bar, these men which you shall here call and personally appear, are to pass between our Sovereign Lord the King and You upon trial of Your life and soul. If you will challenge them or any of them, You Must speak unto them as they come to the Book to be sworn, before they be sworn.

The Exception taken Against Jurors, is called a Chalongo (in Latin Calumnia a foreign word in this case) which in Doctor Cowell's opinion (Lex Dict. ver. b. Chalongo) commeth of the french word chalongoz sibi a ferendo) but as my Lord Coke (1 Inst. 155. b.) ^{thinks} it is Derived from the old word ~~Chalongo~~ Balois or Chaloir to forsake because to Challenge is to take care that an Indifferent trial be had. It is thought most Expedient that an Indifferent trial be had. If a prisoner may, before any one Juror is sworn, but not after, except at once against all the Jurors Impannelled, upon the Account of Just Suspicion partiality or Default in the Sheriff who Returns them, or because of Incompetency for being persons living without the County Cokes 1 Inst. 156 a. Pullonds page 78 a. which is termed a Chalongo to the array. The Kings Council may also Challenge to the array, for the Sheriff being Interested in the prisoner, as a servant, or of Counsel or Related to him by Con