

be, so as some one Place be right named; (5) or by Reason that any of the Jury which tried the said Issue is misnamed, either in the Sirname or Addition in any of the said Writs, or in any Return upon any of the said Writs, so as upon Examination it be proved to be the same Man that was meant to be returned; (6) or by Reason that there is no Return upon any of the said Writs, so as a Pannel of the Names of Jurors be returned and annexed to the said Writ; (7) or for that the Sheriff's Name or other Officer's Name having the Return thereof, is not set to the Return of any such Writ, so as upon Examination it be proved that the said Writ was returned by the Sheriff or Under-Sheriff, or any such other Officer; (8) or by Reason that the Plaintiff in an *Ejectione firmæ*, or in any personal Action or Suit, (being an Infant under the Age of one and twenty Years) did appear by Attorney therein, and the Verdict pass for him; any Law, Custom or Usage to the contrary notwithstanding.

III. Provided always, and be it further enacted, That this Act, or any Thing therein contained, shall not extend to any Writ, Declaration or Suit of Appeal of Felony or Murther; (2) nor to any Indictment or Presentment of Felony, Murther or Treason, nor to any Process upon any of them; (3) nor to any Writ, Bill, Action or Information upon any popular or penal Statute; any Thing therein contained to the contrary notwithstanding. 5 Geo. 1, c. 13.

I. This Act extended to Writs of *Mandamus*, &c. by 9 Annæ, c. 20, sect. 7. The Defects of the Statutes of 32 H. 8, c. 30, and 18 El. c. 14. Godbolt, 382, pl. 469; 437, pl. 502.

II. Divers Jeofails by Suits of Law prevented and reformed. Cro. Car. 165, 189, 203, 278, 312, 480. Aleyn, 64.

III. Certain Cases excepted.

*An instance of "a lack of averment of any life, &c." being cured, 444 will be found in Hampshire's case, 1 Sid. 61, where in an ejectment upon a lease for three years, if the plaintiff's wife should so long live, the omission to aver in the declaration that the wife was yet alive was made good by this Act after verdict. The main object of this Statute seems to have been to help mistakes in the jury process, not before remedied. The Act of 1715, ch. 37, sec. 9, however, directed that the Sheriff of each County should summon a competent number of the best and most understanding freeholders to serve as jurors at each County Court, which number was ascertained by the Act of 1797, ch. 87, sec. 8, to be forty-eight, of whom twenty-three were to serve as grand jurors, and the rest as petit jurors, see 1867, ch. 329, sec. 5. The effect of the first named Act was to relieve our practice from many of the technicalities of jury process, for the award (39)