

9 An Act touching Verdicts and Judgements

Liber P R
p. 21

In actions of debt vpon accompt, it shalbe a good plea for the defendant, to say The plaintiff (or other partie whose assigne the plaintiff is) is indebted to him vpon accompt. In w^{ch} case the Accompt shalbe balanced, & iudgem^t given only vpon the cleare accompt.

If the Judge think any verdict greivous to either party, or exceeding the issue, committed to their enquiry, he may returne them to consider better of it, or charge another Jury wth it, at the instance of either party desiring it, & undertaking the charge. To w^{ch} end the point in issue shalbe delivered to the Jury in writing, and the verdict returned likewise in writing vnderneath it, w^{ch} shalbe kept vpon a file by the clerk of the Court for the iustification of his entry.

And if the Judge find the Jury evidently partiall or willfull, he may charge another Jury to enquire & try by the same evidence. And if they find contrary to the former Jury all the former Jury may be fined at the discretion of the Judge. This Act to endure for three yeares from this present day.

10 An Act providing some Rule for Exequutions

The necessary clothing, bedding, and tooles of any party may not be taken in exequution, but all other the lands, goods & chattells of any partie exequuted vpon by the Officer shalbe sold at an outcry, to such persons as the Officer will answere for, or the partie interested (being present) doth not except against. And in default of such, then they shalbe appraised by three men or the greater part of them, whereof one to be chosen by the Officer, another by the owner, and the third by the Creditor or party recovering or his assigne. And if they all differ that appraisement shall stand w^{ch} is made by him nominated by the Sheriff or officer. Or els they shalbe appraised by the Creditor (or some by him appointed) & if the owner like them at that rate, & pay or secure the Creditor for them, he may have them at that rate, or els may deliver them at that rate to the Creditor

And the party recovering may have an iniunction against any the debtors of the party recovered vpon, to command them to pay such debts to the party recovering, and to authorise his discharge. And if the debts be not due at that time, the Creditor may have an Iniunction to stop them in the debtors hand till further order from the party or the Court. And it may be inquired of any partie by his oath what he oweth to the party recovered vpon. And the party recovering may be admitted to sue any Bill or debt in name of the party recovered