

An Act ordering somethings touching the
tryall and judging of Causes

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C & W H

The judge may administer an oath to either party in any civill cause for the better investigation of the truth and upon any ones refusall may proceed against him as if he had Confessed the matter enquired of him by oath the Defend^t in any cause civill or Criminall may put himself for tryall upon the judge or Court or, upon his Country or may wage his Law in cases allowable by the law of England if both parties joyn in the tryall it Shall be tryed according to their agreem^t If either party desire to be tryed by the Country & put in Security to pay the charge of the jury the issue shall be tryed by the oath of 12 freemen returned by the Sherrif and thought fitt by the Judge to be admitted upon the exception of either p^rty And if the other party joynd not in the tryall by the Country he that caused the jury shall defray the Charge of it without putting, it to costs except that in Crimminalls extending to losse of life or Member the offendor may demand to be tryed by the Jury without putting in any Security for the charge The Sherrif in a warning of Juries shall observe a Certaine course & order of turnes among all the freemen of the County (The Councell or Commiss^{rs} only excepted) to which end the writt for warning the Jury shall not be returnable untill 15 days at the least after the delivery of it to the Sheriff And the Sherrife upon receiveing any writt may award out p^rcepts to any his under Sherife or Bailiffe in any hundred or division to the Effect of the writt w^{ch} precept shall be of force to all persons & the return of such under sherrife or Baileife may be returned by the Sherif wageing of Law against an accompt book shall be admitted according to the sound discretion of the Judge where any executor or Administrator is party to the action the Judge may admitt such prooffe as he shall think necessary & Sufficient according to the Case This Act to endure till the end of the next Assembly

An Act Touching Verdicts & Judgments

In actions of debt upon acc^t It shall be a good plea for the defendant to say the Plantife (or other party whoes assigne the plantif is) is indebted to him upon account in which Case the account shall be ballanced and judgment given only upon the Clear account If the Judge think any verdict greivous to either party or exceeding the issue Committed to their enquiry he may return them to consider better of it or charge another Jury with it at the instance of either party desireing it and undertakeing the charge To which end the point in issue shall