

conviction on confession in open Court, or on the testimony of two witnesses, both of them to the same overt act.

As to confessions, see Fost. 240, 1 East, P. C. ch. 2, sec. 66.

Under the Act of Congress of April 30, 1790, sec. 30,² in case a prisoner stands mute or challenges peremptorily above thirty-five of the jury, &c., the Court shall proceed to the trial of such person as if he had pleaded not guilty, and so it was ruled at the trial of Hare in the Circuit Court U. S. for the District of Maryland, May 1818.

² See now U. S. Comp. Stats., secs. 819, 1031, 1032.

STATUTES

Made at WESTMINSTER, Anno Regni, GULIELMI III. *octavo* & *nono* and A. D. 1697.

CAP. XI.

An Act for the better preventing frivolous and vexatious Suits.

For Relief of his Majesty's good Subjects against causeless and unjust Suits, and for the better enabling them to recover their just Rights: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Five and twentieth Day of *March*, which shall be in the Year of our Lord One thousand six hundred ninety and seven, where several Persons shall be made Defendants to any Action or Plaint of Trespass, Assault, false Imprisonment, or *Ejectione firmæ*, and any one or more of them shall be upon the Trial thereof acquitted by Verdict, every Person or Persons so *acquitted shall have and recover his Costs of **603** Suit in like manner as if a Verdict had been given against the Plaintiff or Plaintiffs, and acquitted all the Defendants, unless the Judge, before whom such Cause shall be tried, shall, immediately after the Trial thereof, in open Court, certify upon the Record, under his Hand, that there was a reasonable Cause for the making such Person or Persons a Defendant or Defendants to such Action or Plaint.