and any writt made indorsed sufficiently sealed, if it were known, declared, or tendred [illegible] [illegible] that the usuall plantation, & affidavit made by any one that the party had [illegible] knowledge of it.

And if upon the defendant is not an inhabitant of the Province or is [illegible] out of it, the Judge shall give reasonable time for his answere according to the nature of [illegible] in default of answere may admitt the plaintiff to proove his demand, & proceed to judgement against the [illegible] cause.

Where any partie is prosecuted or indicted by twelve freemen to be a fugitive [illegible] of the Province for debt or malefice, his, sufficient land & goods may be attached & delivered in exequution to the creditors making such proofe as the Judge shall think sufficient, and the residue (if any be) shall be delivered to the party or parties [illegible] within the Province; giving unto right to creditors. And the goods of fugitives shall be disposed of by Administration as if the party had died intestate. This Act to endure for three yeares from this present day.

7. An Act for the fformes of Proceeding in Causes.

The Judge in Commission of every Court, shall or may take, and use all necessary & sufficient power for the administration of justice, and doing or causing right to be done to all persons (in all causes within cognizance of the Court) & appointing the formes and mannes of it, and awarding all necessary process to that end, in such formes & unto such effects, as the Judge shall think fitt: guiding themselves as near as conveniently they may to the formes precedents & rules of the Court, and in defect thereof to the formes of England in the same or the like cases (except where any thing is specially provided for by the Law of the Province.) This Act to endure for three yeares from this present day.

8. An Act ordering some things touching the triall & judging of causes.

The Judge may administer an oath to either party in any civill cause for the better information of the truth, and upon any oath refusall, may proceed against him, as if he had confessed the matter inquired of him by oath.

The defendant in any cause civill or criminall, may put himselfe for triall, upon the Judge, or Court, or upon his country, or may waive his Plea in those allowable by the Law of England. If both parties come in the triall, it shall be tried according to their [illegible] If either party desire to be tried by the country, and put in security to sue the [illegible] of the Jury, the issue shall be tried by the oath of twelve freemen, returned by the Sheriff & thought fitt by the Judge to be admitted, upon the exception of either party. And if either party is tried not in the triall by the country, he that caused the Jury shall defray the charge of it, without putting it to costs. Except that in criminalls depending to the [illegible] of life or member, the offender may demand to be tried by the country, without putting in any security for the charge.

The Sheriff in warning of Juries shall observe a certaine course & order of [illegible] among all the freemen of the County (the Constable and Commissioners only excepted) [illegible] and the writt for warning any Jury shall not be returnable untill fifteene [illegible] the Court, after the delivery of it to the Sheriff. And the Sheriff upon receipt of any writt, may award out precepts to any his under Sheriff or Bailiff in any remote division, to the effect of the writt, wch precept shall be of force to all persons, and the return of such under Sheriff or Bailiff may be returned by the Sheriff.

Writing of Law against an Accompt-Book, may be admitted or refused according to the discretion of the Judge.

[illegible] Executor or Administrator is partie to the action, the Judge may admit [illegible] necessary & sufficient, according to the case. This Act [illegible] proofe [illegible] for three [illegible] this present day.