

Be tried by the said chief Justice Com<sup>rs</sup> or Com<sup>rs</sup>  
and the counsell, sitting in Court or the Major part  
of them if the defendant shall chuse to be tried  
by the Court or otherwise by a Jury of Seven or more  
free holders of the County to be returned by the  
Sheriff if the defendant shall chuse to be tried  
by his Country And the Register of the said  
Court may at any time take a writt out of Chan:  
cery returnable into this Court directed to the  
Sheriff to returne any five or more freemen  
(named upon the writt) for a grand enquest and  
after the empanelling of the said enquest or of  
any five of them the Court shall or may charge them  
with an oath truly to enquire of and true pre-  
sentment to make of all offences and misdome-  
nors whats ever committed to their or any of their  
knowledge or by vehement suspicion publique  
fame or by information of any partie upon oath  
said or affirmed to be committed against the laws  
of this Province which presentment delivered in to  
the Court by the said enquest shall be an indictment of  
any partie in any crime of felony or treason  
(provided that such presentment or indictment  
be made or found by a Grand enquest of twelve  
Jurors at the least) upon which such partie pre-  
sented or Indicted may be put upon his tryall  
in the pretoriall Court and likewise it shall be  
a conviction of the partie presented of any other  
crime wheresof he is presented (the said crimes  
of Felony or treason excepted) upon which such  
partie may be sentenced for the said crime un-  
less the partie presented purge him or herself  
thereof by such means as the Court shall appoint  
the partie for his or her purgation  
And every person lawfully served and warned  
to be of the enquest as aforesaid and not appear-  
ing upon call at the time and place prefixed in  
the writt shall lose and forfeit such issues as shall  
be mentioned in the writt for a penaltie of not  
appearing