

(85)
Lib^o C

An Act For the Formes of proceeding in causes
Every Judge & Court authorized or allowed by the
Lord Proprietarie or the Law of the Province shall
or may have and use all necessary & sufficient
power for the administration of Justice & doing
or causing right to be done to all persons & app-
pointing the formes & means of it & awarding all
necessary proceffe to that end in such form and
unto such effects & under such reasonable penal-
ties as the judge or Court shall think fitt guiding
themselves as neere as conveniently they may
to the former precedents & usages 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 till the end of the next Assembly

An Act touching some things touching the tryall
and judging of causes

The judge may administer an oath to either
party in any civill cause for the better investi-
gation 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 case 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 agreement
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 Jurymen re-
turned by the Sheriff and thought fitt by the Judge
to be admitted upon the exception of either party
And if the other party joyned 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 criminalls extending to losse of life or
member