

CHAPTER XCII.

[THE LAW ABOUT COURT PROCEEDINGS AND SUMMONS.]

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That in all courts, all persons of all persuasions may freely appear in their own way, and according to their own manner, and there personally plead their own cause themselves, or if unable, by their friends: and that the first process shall be the exhibition of the complaint, fourteen days before the trial: and that the defendant may be prepared for his defense, he or she shall be summoned no less than ten days before, and a copy of the complaint delivered him or her, at his or her dwelling house, to answer unto. But before the complaint of any person shall be received, he or she shall solemnly declare in open court, That he or she believeth in his or her conscience that his or her cause is just. And if the party complained against shall notwithstanding refuse to appear, the plaintiff shall have judgment against defendant by default.]

Passed November 27, 1700; allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, February 7, 1705-6, and not acted upon. See Appendix I, Section II.

CHAPTER XCIII.

[THE LAW ABOUT TRIALS BY TWELVE MEN.]

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That all trials in civil cases shall be by twelve

men, and as near as may be peers or equals, and of the neighborhood, and men without just exception: and in criminal matters of life there shall be first twenty-four returned by the sheriff for a grand inquest, of whom twelve at least shall find the complaint to be true; and then forty-eight shall be likewise returned by the sheriff, of whom twelve shall have the final judgment; but reasonable challenges shall be always admitted against all or any of them.]

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II.

CHAPTER XCIV.

THE LAW ABOUT ARRESTS AND MAKING DEBTORS PAY BY SERVITUDE.

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, And [sic] in case any man arrest another going out of the province, he shall be ready with his declaration and evidence the next day, and shall put in security to pay the charges and damages sustained by the party arrested, if he shall be found in the wrong.

[Section II.] And be it further enacted, That all persons of known estates refusing to pay their just debts if arrested and imprisoned, shall be kept at their own charges until security be given or satisfaction made.

Provided, That no persons shall be kept in prison for debt or fine longer than the second day of the next sessions after his or her commitment, unless the plaintiff shall make it appear that the person imprisoned hath some estate that he will not produce, in which case the court shall examine all the persons suspected to be privy in the concealing such estate; but if no estate can be found, the debtor shall satisfy the debt by servitude as the county court shall order, if desired by the creditor.