

22. *Form of Issue, where there are Issues in fact to be tried, as well as damages to be assessed on default, or on issues in law before the County Court.*

*(Commence as in No. 1, copying the pleadings, the Joinder of Issue, adding the similiter, and inserting the Joinder of Issue to be tried by the record or the judgment by default as to part of the pleadings, or the judgment by the plaintiff on demurrer, as the case may be, and if there be judgment by default, or judgment for plaintiff on a trial by the record or upon demurrer, proceed thus.)* Wherefore the Plaintiff ought to recover against the Defendant his damages on occasion of the premises &c. And because it is at present unknown to the Court here whether the Defendant will be convicted of the premises upon which issue is above joined between the parties or not, and because it is also unknown to the Court here what damages the plaintiff hath sustained on occasion of the premises, whereof it is considered that the plaintiff ought to recover his damages as aforesaid, and it is convenient and necessary that there be but one taxation of damages in this suit, therefore let the giving of judgment in this behalf against the said defendant be stayed until the trial of the said Issue (or Issues) above joined between the said parties be tried by the Country (or if judgment on demurrer, or on the trial by the record has not been given—then after the entry of the joinder of issue in fact and the demurrer or on the trial by the record—proceed.) And because the Court here are not yet advised what judgment to give upon the premises whereof the parties have put themselves upon the Judgment of the Court (or as the case may be.) And because the Court here are not advised what judgment to give upon the premises whereon issue is joined between the said parties to be tried by the record. And because it is convenient and necessary that there be but one taxation of damages in this suit, and forasmuch as