

sterling money, and shall be sworn to in an affidavit made by the plaintiff or plaintiffs, or his her or their lawful attorney, then that the said defendant or defendants shall be made to appear, by attachment of his her or their goods debts or effects, or by arrest of the person of the said defendant or defendants; and in case of his her or their goods debts or effects being attached as aforesaid, such goods debts or effects, or so much thereof, as shall be sufficient to satisfy the said debt or damages demanded and sworn to in such affidavit as aforesaid, shall be held as security for such debt or damages, and shall abide the order judgment or decree of the court issuing such attachment, unless the defendant or defendants, or some person on his her or their behalf shall appear and give good and sufficient bail, to be approved by such court, to satisfy such judgment decree or order; and it shall also be lawful for the said courts respectively when any such action or suit as aforesaid shall be depending therein, to cause to appear from day to day all parties interested therein, and to examine upon oath such of them as it shall be deemed proper for better discovering the truth; and thereupon and after due consideration of all circumstances of the case, to make such order judgment or decree therein, and award such damages and costs as shall be just and equitable; and such order judgment or decree shall be enforced by attachment and sale of the goods debts and effects, or by arrest of the person or persons against whom such order judgment or decree shall be made.

Trial of actions in such Courts.

And be it further Enacted, That when the cause of any such action as aforesaid shall exceed the sum of of sterling money, and it shall be prayed by the plaintiff or plaintiffs, defendant or defendants in such action, that a jury shall be summoned to try such action, it shall be lawful for the said Chief Justice and Judges respectively, and they are hereby respectively required to cause twenty-four good and lawful men to be summoned, of whom twelve shall be a jury, for the trial of such action, and to proceed therein according to law: Provided always, That if a number of jurors sufficient for the trial of such action, having been duly summoned, shall not appear to be sworn, it shall and may be lawful for the said Chief Justice or Judges respectively, upon motion of the said plaintiff or plaintiffs, defendant or defendants, made in open court, to require the Sheriff of *Newfoundland*, or his lawful deputy, forthwith to nominate two fit and proper persons to be assessors to the said Chief Justice or Judges respectively, which said assessors, being first duly sworn, shall, together with the Chief Justice or Judges respectively, proceed to the trial of such action in like manner as if a jury had not been prayed: Provided also, That all such persons as shall be nominated as assessors as aforesaid, may be challenged for such and the like causes as jurors may be challenged in any court of record in *England*, and every such challenge shall be decided by the said Chief Justice or Judges respectively, and in every case where such challenge shall be allowed, the said Sheriff, or his deputy, shall, at the requisition of the said Chief