

# Literary and Professional Works of Francis Bacon Volume 2

Francis Bacon



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Francis Bacon

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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1861 edition. Excerpt: ...men of the county where it is supposed by the plaintiff to be done, and for that purpose the judges of the court do award in the King's name a. writ to the sheriff of that county called a venire facias, commanding him to cause to come before them four and twenty freeholders of his county, at a certain day, to try this issue so joined; out of which four and twenty only twelve are chosen to serve: and that double number is returned, because some may make default, and some be spared upon challenge of kindred, alliance, or partial dealing. These four and twenty the sheriff doth name and certify to the court, and withal that he hath warned them to come at the day appointed according to the writ. But because at this first summons there falleth no punishment upon these four and twenty if they come not, they seldom or never appear upon the writ; and upon their default there is another writ to the sheriff, commanding him to distrain them by their lands to appear at a certain day appointed by the writ, (which is the next term after,) lVisi prius justidarii nostri ad assizas capiendas in comitatu venerint, &c. of which words the writ is called a Nisi Prius. And the judges of the circuit which in truth do ride the circuit in that county in that vacation and mean time, before the day of appearance appointed for the jury above, have, by their commission of Nisi Prius, authority to take the appearance of the jury in the county before them, and there to hear the witnesses and proofs on both sides concerning the issue of fact, and to take the verdict of the jury, and, against the day they should have appeared above, to return the verdict ready in the court, which return is called a postea. And upon this verdict, clearing the fact one way or ...

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