Sources Baker & Milsom

Compurgation = wager of law
"To the country" or "known in the country" = Jury

A LECTURE ON WAGER OF LAW (15th century)

Reading on Magna Carta, c. 28:
CUL MS. Ii. 5. 43, fo. 40v.

Note that in a case where a man ought to wage his law there must be eleven lawful men to do his law, and he must be the twelfth (and that is sufficient). It is a good question, however, in the case where a writ of debt is brought against two, and they wish to wage their law, whether it is sufficient for them to bring ten men, or whether [they need] eleven. Some hold that [ten are not] sufficient, because when the writ is brought against the two of them it is brought against them only in effect as against one, and if they wish to wage their law they ought to wage only as one man; and then if they have only ten men, and the two of them are but one in effect, they are only eleven, and the law cannot be taken by eleven; and so they must have eleven men with them.

And note that a man may wage his law in a writ of debt in some cases, but in some not. For instance, in the cases where a writ of debt is brought upon a recovery, or a recognisance, or is based on a specialty (such as a bond), the defendants may not wage their law. Nor may they in a writ brought for arrears of an account before appointed auditors, because it lies in the knowledge of the country. But they may in a writ of debt brought on a simple contract, because it does not lie in the knowledge of the country. And note that if a servant brings a writ of debt against his master for his salary in arrear, the master may not wage his law that he owes him nothing, because it lies in the knowledge of the country.

And note that a man may wage his law in a writ of account in some cases, and in some not. For instance, in a writ of account brought against a man supposing that he was his receiver by his own hands, he may wage his law. But if the plaintiff supposes by his writ that the defendant was his receiver by another's hands, then he may not wage his law, because someone else has knowledge and therefore it lies in the knowledge of the country. And in the case where he supposes that he was his bailiff of some manor, he may never wage his law, because it lies in the knowledge of the country whether he was his bailiff or not.

And in the case where a writ of detinue is brought against a man, and the plaintiff supposes that he bailed to the defendant certain chattels to be rebailed to him, or the plaintiff supposes that certain chattels were bailed to him by a stranger to rebail to the plaintiff, he may in either case wage his law generally that he detains nothing

from him; and the reason is because the bailment is not traversable in a writ of detinue, but he must answer to the detaining generally. And so note a distinction between this case and the case of account.

A man may wage his law in a writ of trespass in a court baron, but not at the common law.