

PART IV

TWO COLONIAL RE-ENACTMENT-BY-REFERENCE STATUTES

COLONY OF NEW YORK ACT OF 1767

An Act to declare the Extension of several Acts of Parliament made since the Establishment of a Legislature in this Colony: and not declared in the said Act to extend to the Plantations.

[Passed, December 24, 1767.]

WHEREAS divers Acts of Parliament passed since the Establishment of a Legislature in this Colony, have nevertheless been practised upon us extending to this colony; tho' they are not declared in the said Acts to extend to the Plantations: and sundry Acts have been since passed, which it would be expedient to extend to this Colony; And it being conducive to the common Weal, as well as agreeable to his Majesty's most gracious Intentions; that the Laws of this Colony should conform as nearly as Possible to the Laws of England; therefore and to prevent all Doubts and Scruples relative to former proceedings, wether Consonant to the Law as it stood before or since the passing such modern Statutes.

BE it enacted by his Excellency the Governor, the Council and the General Assembly and it is hereby enacted by the Authority of the same; that the several Acts of Parliament or so much thereof as are hereinafter particularly mentioned shall be deemed to be in full Force and Effect within this Colony; to wit the fifth, sixth and seventh Sections of an Act made in the first Year of the Reign of King James the second, entitled "an Act for reviving and continuance of several Acts of Parliament therein mentioned: together with the several Acts of Parliament, by the said fifth Section made perpetual." Also an Act made in the second Year of King William and Queen Mary, intitled, "an Act for enabling the Sale of Goods distrained, for Rent, in case the Rent be not paid in a reasonable Time." ALSO one Act of Parliament made in the third and fourth Years of the Reign of King William and Queen Mary, intitled "An Act for relief of Creditors against fraudulent Devises." Also the twelfth Section of an Act of Parliament made in the fourth and fifth Years of the Reign of King William and Queen Mary intitled, "An Act for reviving, continuing and explaining several Laws therein mentioned, which are expired and near expiring." Also an Act of Parliament made in the fourth and fifth Years of King William and Queen Mary intitled, "An Act for delivering Declarations to

Prisoners." Also an Act made in the fifth and Sixth Years of King William and Queen Mary, intituled, "An Act to take away the Process for the Capiatur Fine in the several Courts at Westminster, except what relates to six Shillings and Eight Pence to be paid by the Plaintiff in Satisfaction of the said Fine." Also the second Section of one Act passed in the Sixth and seventh Years of King William the third, intituled, "An Act for continuing several Laws therein mentioned." Also all the Clauses, but the eleventh, twelfth and thirteenth of an Act of Parliament passed in the Seventh Year of King William the third, intituled, "An Act for regulating of Tryals in Cases of Treason and Misprison of Treason." Also an Act made in the eighth and ninth Years of King William the third, intituled, "An Act for the better preventing Frivolous and Vexatious Suits." Also an Act made in the tenth and eleventh Years of King William the third, intituled, "an Act for limiting certain Times within which Writs of Error shall be brought for the reversing Fines, Common Recoveries and Antient Judgments. ["] Also one other Act of Parliament in the same Year last mentioned, intituled, "an Act to enable Posthumous Children to take Estates as if born in their Fathers life time:" Also one Act of Parliament made in the first Year of the Reign of Queen Ann, entitled "an Act for punishing of Accessaries to Felonies and receivers of Stolen Goods; and to prevent the wilfull burning and destroying of Ships:" Also the first, second and third Clauses of an Act passed in the third and fourth Years of the Reign of Queen Ann, intituled, "an Act for giving like Remedy upon promisary Notes as is now used upon Bills of Exchange; and for the better payment of Inland Bills of Exchange." Also one Act passed in the Fourth Year of Queen Anne, intituled, "an Act for the Amendment of the Law; and the better advancement of Justice." Also the third Section of one Act passed in the seventh Year of Queen Ann, intituled, "an Act for making perpetual an Act for the better preventing the counterfeiting the current Coin of this Kingdom; as also an Act for giving like Remedy upon promisary Notes as issued upon Bills of Exchange and for the better payment of Inland Bills of Exchange; and also for continuing several Acts made in the fourth and fifth Years of her Majesties Reign for preventing Frauds committed by Bankrupts." And also an Act passed in the Eighth Year of the Reign of Queen Ann, intituled, "An Act for the better Security of Rents and to prevent Frauds committed by Tenants." And also another Act of Parliament passed in the ninth Year of Queen Ann, intituled, "An Act for the better preventing of excessive and deceitful Gaming;" excepting the Eighth Clause of the said Act. "And also

an Act for the amendment of Writts of Error and for the further preventing the Arresting or reversing of Judgments after Verdict;" passed in the fifth Year of King George the First. And also one Act of Parliament passed in the second Year of the Reign of King George the second, intituled, "An Act for the more effectual preventing and further Punishment of Forgery, Perjury and Subornation of Perjury and to make it Felony to Steal Bonds, Notes or other Securities for payment of Money;" except the second Clause thereof. And also one other Act of Parliament passed in the Fourth Year of the Reign of King George the second, intituled, "An Act for the more effectual preventing Frauds committed by Tenants and for the more easy recovery of Rents and renewal of Leases." And also one Act of Parliament passed in the Sixth Year of the Reign of King George the second, intituled. "An Act for the relief of Parishes and other places from such Charges as may arise from Bastard Children born within the same." And also one Act of Parliament passed in the seventh Year of the Reign of King George the second, intituled, "An Act to settle how far Owners of Ships shall be answerable for the Acts of the Masters or Mariners." Also one Act of Parliament passed in the Year last mentioned, intituled "An Act for the more easy Redemption and Foreclosure of Mortgages." And also one Act of Parliament passed in the Year last mentioned, intituled, "an Act for the more effectual preventing the forging the Acceptance of Bills of Exchange or the Numbers or Principal Sums of accountable Receipts for Notes, Bills or other Securities for payment of Money or Warrants or Orders for payment of Money or delivery of Goods." Also one Act passed in the twelfth Year of the Reign of King George the Second, intituled, "an Act for explaining and amending an Act made in the eighth Year of the Reign of King Richard the second, intituled no Man of Law shall be Justice of Assize or Goal delivery in his own Country["]; And another Act made in the thirty third Year of the Reign of King Henry the eighth, intituled an Act that "none shall be Justice of Assize in his own Country &c." And also one Act of Parliament passed in the twenty third Year of the Reign of King George the second, intituled, "An Act to render prosecutions for Perjury and Subornation of Perjury more easy and effectual." And also one Act of Parliament passed in the twenty sixth Year of the Reign of King George the second, intituled, "An Act to confirm certain Acts and Orders made by Justices of the Peace being of the Quorum, Notwithstanding any defect in not expressing therein that such Justices of the Peace are of the Quorum."

PROVINCE OF NORTH CAROLINA ACT OF 1749

An Act to put in Force in this Province, the several Statutes of the Kingdom of England, or South-Britain, therein particularly mentioned.

I. Whereas many of the Statute Laws of the Kingdom of England, or South-Britain, by Reason of the different Way of Agriculture, and the different Productions of the Earth of this Province, from that of England are altogether Useless, and many others, which otherwise are very apt and good, either by reason of their Limitation to particular Places, or because in themselves they are only Executive by such nominal Officers as are not in, not suitable for the Constitution of this Government, are thereby become impracticable here.

II. Be it therefore Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and With the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the several Statutes of the Kingdom of England intituled as followeth, and made and Enacted in such Years of the Reigns of the Kings and Queens of England as before the Titles of the several Statutes, as in this Act set down, are, and are hereby to be in as full Force, Power, and Virtue, as if the same had been specially Enacted and made for this Province, or as if the same had been made and Enacted there in, by any General Assembly thereof: That is to say:

MAGNA CHARTA.

9. Henry III. Chap. 1. An Act for Confirmation of Liberties.
8. How Sureties shall be charged to the King.
14. How men of all sorts shall be amerced, and by whom.
18. The King's Debtor dying, the King shall be first paid.
28. Wager of Law shall not be, without Witness.
29. None shall be condemned without Tryal; Justice shall not be sold or deferred.

34. In what only Case a Woman shall have an Appeal of Death.

MERTON.

- 10 Henry III. Chap. 1. A Woman shall recover Damages in a Writ of Dower.
2. Widows may bequeath the Crops of their Lands.
 9. He is a Bastard that is born before the Marriage of his Parents.

STATUTE THE SECOND.

- 33 Edwd. I. Who be Conspirators, and who be Champartors.

STATUTE THE THIRD.

The Punishment of such as commit Champarty.

STATUTE THE FOURTH.

- 34 Edwd. I. Chap. 1. The King, or his Heirs, shall have no Tallage, or Aid, without Consent of Parliament.
4. All Laws, Liberties, and Customs, confirmed.

STATUTE THE SECOND.

- 1 Edwd. II. In What Case it is Felony to break Prison, and what not.
- 1 Edwd. III. Chap. 7. Inquiry shall be made of Gaolers, which by Duress compelled Prisoners to appeal.
6. Justices shall have Authority to punish Breakers of the Peace.
 8. No commands under the King's Seal shall disturb or delay Justice.
- 1 Edwd. III. Chap. 2. The Authority of Justices of Assize, Gaol Delivery, and of the Peace.
7. Executors shall have Action of Trespass for a wrong done to their Testator.

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| | 9. | Sheriffs, Bailiffs of Hundreds, and Escheator, shall have sufficient in the County. |
| | 10. | Sheriffs and Gaolers, shall receive Offenders without any Thing taken. |
| | 11. | Justices of Assize, &c., shall enquire of Maintainers, Conspirators, and Champartors. |
| 5 Edwd. III. Chap. | 9. | None shall be attached, or forejudged, contrary to the Great Charter, or the Law. |
| | 10. | The Punishment of a Juror that is ambixeter and taketh Money. |
| | 11. | Process against those that be appealed, indicted, or outlawed, in one County, and remain in another. |
| | 14. | Night Walkers, and suspected Persons, shall be safely kept. |
| 10 ————— Chap. | 2. | Pardons shall not be granted contrary to the Statute of 2 Ed. III. Chap. 2. |
| 20 ————— Chap. | 4. | None shall maintain any quarrel but their own. |
| ————— Chap. | 6. | Justices of Assize shall enquire of, and punish the Misdemeanors of Officers, and other Offenders. |

STATUTE THE FIFTH.

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| 25 Edwd. III. Chap. | 2. | A Declaration which Offences shall be adjudged Treason. |
| | 3. | No Indictor shall be put upon the Inquest of the Party Indicted. |

MARLBURIDGE.

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| 52 Henry III. Chap. | 4. | A Distress shall not be drawn out of the County and it shall be reasonable. |
| | 5. | What kind of Manslaughter shall be adjudged Murder. |
| | 17. | The Authority and Duty of Guardians in Socage. |
| | 23. | A Remedy against Accomptants. Farmers, shall make no Waste. |

ARTICULI SUPER CHARTAS.

- 23 Edwd. I. Chap. 10. The Remedy against Conspirators, false Informers, and Embracers of Juries.
11. Nothing shall be taken to Maintain any Matter in Suit.
12. What Distress shall be taken for the King's Debt, and how it shall be used.
16. What shall be done with them that make false Return of Writs.
4. None shall be condemned upon Suggestion without lawful Presentment.
5. Executors of Executors shall have the Benefit and Charge of the first Testator.
17. Process of Exigent shall be awarded in Debt, Detinue, and Replevin.
19. By the King's Protection the Party's Suit shall not be hindered, but his Execution.
- 34 ————— Chap. 8. The Penalty of a Juror, taking Reward to give his Verdict.
12. There shall be no forfeiture of Lands for Treason of dead Persons, not attained.
- 37 ————— Chap. 2. An Indempnitate Nominis shall be granted, upon the wrong seizure of another Person's Lands or Goods.
- 38 ————— Chap. 8. A Ship shall not be lost for a small Thing therein not customed.
12. The Punishment of a Juror taking a Reward to give his Verdict; and of Embracers.
- 42 ————— Chap. 3. None shall be put to answer an Accusation made to the King, without Presentment.
10. Children born beyond the Sea in the King's Dominions, shall be inheritable in England.
- 50 ————— Chap. 6. Fradulent Assurances of Lands or Goods to deceive Creditors, shall be void.

STATUTE THE FIFTH.

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| 1 | Richard II. Chap. | 12. | A Prisoner by Judgment shall not be at large: Confession of a Debt to the King, to delay another Execution. |
| 8 | ————— Chap. | 4. | The Penalty of a Judge or Clerk, making any false Entry, erase a Roll, or change a Verdict. |
| 13 | ————— Chap. | 5. | With what Things the Admiral, and his Deputy, shall meddle. |
| 15 | ————— Chap. | 2. | The Duty of Justices of the Peace, when any forcible Entry is made into Lands. |
| | | 3. | In What Places the Admiral's Jurisdiction doth lie. |
| 2 | Henry VI. Chap. | 11. | A Remedy for him who is wrongfully pursued in the Court of Admiralty. |
| 4 | ————— Chap. | 18. | The Punishment of an Attorney found in Default. |
| | | 23. | Judgments given shall continue, until they be reversed by Attaint or Error. |
| 5 | ————— Chap. | 5. | It shall be Felony to cut out the Tongue, or pull out the Eyes, of the King's Liege People. |
| 8 | Henry VI. Chap. | 9. | Duty of Justices of the Peace, where Land is entered upon, or detained, with Force. |
| | | 12. | No Judgment or Records shall be reversed by any Writ, Process, &c., erased: Which Defect in Records may be amended by the Judges and which not. |
| | | 15. | The Justices may, in certain Cases, amend Defaults in Records. |
| 9 | ————— Chap. | 4. | An <u>Indemptitate Nominis</u> maintainable by Executors. |
| 14 | ————— Chap. | 1. | Justices of <u>Nisi Prius</u> may have Judgment of a Man attainted or acquitted of Felony. |
| 18 | ————— Chap. | 6. | No lands shall be granted until the King's Title be found, in Inquisition. |
| | | 12. | Appeals or Indictments of Felony, committed in a Place where there is none such. |

- 31 ————— Chap. 9. A Remedy for a Woman enforced to be bound by the Statute or Obligation.
- 33 ————— Chap. 1. A Remedy for Executors against Servants, that embezzle their Master's Goods after his Death.
- 1 Rich. III. Chap. 3. Every Justice of Peace may let a Prisoner to Mainprize: No Officer shall seize the Goods of a Prisoner until he be attained.
- 3 Hen. VII. Chap. 2. The Penalty of carrying a Woman away against her Will, that hath Land or Goods.
3. Justices of the Peace may let Prisoners to Bail: The Sheriff shall certify the Names of all his Prisoners at the Gaol Delivery.
4. All Deeds of Gifts made to defraud Creditors shall be void.
10. Cost, &c., awarded to the Plaintiff, where the Defendant sueth a Writ of Error.
- 4 ————— Chap. 12. All Justices of the Peace shall execute their Commission, redress Injuries, and maintain Law.
13. Clergy shall be allowed but once: A Convict Person shall be marked with the Letter M. or T. A Provision for them which be within Orders.
- 11 ————— Chap. 12. A Means to help and speed poor Persons in their Suits.
- 12 ————— Chap. 7. For Murders.
- 19 ————— Chap. 9. Process in Actions upon the Case sued in the King's Bench, and Common Pleas.
20. Writs of Error.
- 1 Henry VIII. Chap. 8. The Act of Escheators and Commissioners.
- 4 ————— Chap. 2. Punishment of Murders.
- 21 ————— Chap. 4. The Sales of Lands by Part of the Executors, lawful.
11. At what Times Restitution shall be made of Goods stolen.
- 22 ————— Chap. 14. For Abjurations and Sanctuaries, the Sixth Paragraph only, in these Words

- following: And that no Person, arraigned for Petit Treason, Murder, or Felony, be, from henceforth, admitted to any peremptory Challenge above the Number of Twenty.
- 23 ————— Chap. 1. An Act concerning Convicts in Petit Treason, Murder, &c.
 3. An Act against Perjury, and untrue Verdicts.
 15. An Act that the Plaintiff being non-suited, shall yield Damages to the Defendant, in Actions Personal, by the Discretion of the Justices.
- 24 ————— Chap. 5. That a man killing a Thief in his Defence, shall not forfeit his Goods.
- 25 ————— Chap. 3. For such as shall stand Mute, &c.
 6. The Punishment for the Vice of Buggery.
- 27 ————— Chap. 4. For Pirates, and Robbers on the Sea.
 10. The Act Concerning Uses and Wills.
- 28 ————— Chap. 15. For Pirates.
- 31 ————— Chap. 1. For Joint Tenants, and Tenants in Common.
 5. For the Continuation of Debts upon Execution.
- 32 ————— Chap. 9. The Bill of Bracery, and buying of Titles.
 1. The Act of Wills, Primer Seisins, whereby a Man may devise Two Parts of his Lands.
 30. Mispleadings, Jeofails.
 32. Joint Tenants for time of Life, or Years.
 33. An Act that wrongfully Disseisin is no Descent in Law.
 37. For Recovery of Arrearages of Rents by Executors of Tenants, in Fee Simple.
- 33 ————— Chap. 1. A Bill against them that Counterfeit Letters, or privy Tokens, to receive Money or Goods in other Men's Names.
- 34 & 35 ————— Chap. 8. The Bill concerning the Explanation of Wills.
- 37 ————— Chap. 6. The Bill for burning of Frames.

- 1 Edward VI, Chap. 12. An Act for the Repeal of certain Statutes concerning Treason and Felonies, &c. Paragraph the 13th, Wilful killing by Poisoning, shall be adjudged Murder.
- 2 & 3 ————— Chap. 33. A Bill for Horse, and Horse-stealers.
- 5 & 6 ————— Chap. 9. An Act for taking away Benefit of Clergy, for certain offenders.
10. An Act for the avoiding of Clergy from divers Persons.
- 1 Mary, Chap. 6. Counterfeiting of strange Coins, &c., adjudged Treason.
- 1 & 2 Philip and Mary, Chap. 11. Bringing in of Counterfeit Coin into this Realm, shall be punished as Traitors.
13. An Act touching Bailment of Persons.
- 2 & 3 ————— Chap. 10. An Act to take examination of Prisoners suspected of any Manslaughter or Felony.
- 4 & 5 ————— Chap. 4. An Act that accessories in Murder, and divers felonies, shall not have Benefit of Clergy.
8. An Act for the Punishment of such as shall take away young women that be Inheritors being within the Age of Sixteen Years, or marry them without Consent of their Parents.
- 5 Elizabeth, Chap. 9. An Act for Punishment of such Persons as shall procure or commit any wilful Perjury.
11. Clipping, &c., of Coins, for Gain sake, shall be high Treason.
14. An Act against Forgers of false Deeds and Writings.
17. An Act for the Punishment of the Vice of Buggery.
- 8 ————— Chap. 2. The Defendant shall recover Costs and Damages, where the Plaintiff doth delay or discontinue his Suit, or his Non-Suit, &c.
4. An Act to take away Benefit of Clergy from certain Offenders for Felony.
- 13 ————— Chap. 5. An Act against fraudulent Deeds, Alienations, &c.

- 18 ————— Chap. 7. An Act to take away Benefit of Clergy from Offenders in Rape, and Burglary; and an Order for the Delivery of Clerks convict, without Purgation.
- 27 ————— Chap. 4. An Act against covinous and fraudulent Conveyances.
- 31 ————— Chap. 11. An Act of Explanation or Declaration of the Statute Octavo Regis, Henry 6, concerning forcible Entries, and the Indictments thereupon found.
- 39 ————— Chap. 9. An Act for taking away Clergy from Offenders against a certain Statute, made in the Third Year of the reign of Henry 7, concerning the taking away Women against their Wills, unlawfully.
- 43 ————— Chap. 5. An Act to prevent Perjury and Subornation of Perjury and unordinary Expences in Suits of Law.
- 1 James I. Chap. 8. An Act to take away the Benefit of Clergy from some Kind of Manslaughter.
- 4 ————— Chap. 3. An Act to give Cost to the Defendant, upon a Non-suit of the Plaintiff, or a Verdict against him.
- 21 ————— Chap. 6. An Act concerning Women convicted of small Felonies.
13. An Act for the further Reformation of Jeofails.

15. An Act to enable Judges and Justices of the Peace, to give Restitution of Possession in certain Cases.
24. An Act for the Relief of Creditors, against such Persons as die in Execution.
27. An act to prevent the destroying and murdering Bastard Children.
- 3 Charles I. The Petition exhibited to his Majesty, by the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, concerning divers Rights and Liberties of Subjects.

STATUTE THE SECOND.

- 13 Charles II. Chap. 6. An Act declaring the sole Right of the Militia to be in the King, and for the present ordering and disposing of the same.
- 16 ————— Chap. 6. An Act to prevent the delivering up of Merchant Ships.
7. An Act against deceitful, disorderly, and excessive Gaming.
- 16 & 17 ——— Chap. 8. An Act to prevent Arrests of Judgments, and superceeding Executions.
- 17 ————— Chap. 7. An Act for a more speedy and Effectual Proceeding upon Distresses and Avowries for Rents.
8. An Act for avoiding unnecessary Suits and Delays.
- 22 & 23 Chas. II, Ch. 1. An Act to prevent malicious maiming and wounding: Paragraph the 7th, Malicious maiming made Felony, and Paragraph the 8th, Forfeitures.
7. An Act to prevent Malicious burning of Houses, stacks of Corn and Hay, and killing or Maiming of Cattle.
10. An Act for the better settling of Intestates Estates.
- 29 ————— Chap. 3. An Act for preventing Frauds and Perjuries.
- 30 ————— Chap. 7. An Act to enable Creditors to recover their Debts of the Executors and

- Administrators of Executors in their own Wrong.
- 31 ————— Chap. 2. An Act for the better securing the Liberty of the Subject, and for Prevention of Imprisonment beyond the Seas.
- 1 James II Chap. 17. An Act for reviving and Continuance of several Acts of Parliament therein mentioned; only Paragraph the 5th, 6 and 7, relating to the Act for the better settling Intestates' Estates.
- 1 Wil. & Mary Chap. 8. An Act for the Abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths.
18. An Act for exempting their Majesty's Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws.
- Session 2. Chap. 2. An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.
- 2 ————— Chap. 5. An Act for enabling the Sale of Goods distrained for Rent, in Case the Rent be not paid in a reasonable Time.
- 3 & 4 ————— Chap. 9. An Act to take away Clergy from some Offenders and to bring others to Punishment.
14. An Act for Relief of Creditors, against fraudulent Devices.
- 4 & 5 ————— Chap. 16. An Act to prevent Frauds, by clandestine Mortgages.
- 7 Wil. III. Chap. 3. An Act for regulating Tryals in Cases of Treason, and Misprison of Treason.
- 7 & 8 ————— Chap. 24. An Act requiring the Practioners of the Law to take the Oaths, and subscribe the Declaration therein mentioned.
- 8 & 9 ————— Chap. 10. An Act for the better preventing frivolous and vexatious Suits.
- 9 & 10 ————— Chap. 15. An Act for determining Differences by Arbitration.
17. An Act for the better Payment of Inland Bills of Exchange.
- 10 & 11 ————— Chap. 16. An Act to enable posthumus Children to take Estates, as if born in their Father's Lifetime.

- 11 & 12 ——— Chap. 6. An Act to enable his Majesty's natural born Subjects to inherit the Estate of their Ancestors, either Lenial or Collateral, notwithstanding their Father or Mother are Aliens.
- 12 & 13 Wil. III Chap. 2. An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subjects.
- 1 Anne, Chap. 22. An Act to declare the alterations in the Oath appointed to be taken, by the Act, intituled, An Act for the further security of his Majesty's Person and the Succession of the Crown in the Protestant Line; and for extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors; and for declaring the Association to be determined.
9. An Act for Punishment of Accessories to Felonies, and Receivers of Stolen Goods; and to prevent the wilful burning and destroying of Ships.
- 3 & 4 ——— Chap. 9. An Act for giving like Remedy upon Promisory Notes as is now used upon Bills of Exchange, and for the better Payment of inland Bills of Exchange.
- 4 & 5 ——— Chap. 16. An Act for the Amendment of the Law, and the better Advancement of Justice.
- 6 ——— Chap. 18. An Act concerning Life Estates.
- 7 ——— Chap. 19. An Act to enable Infants, who are seized or possessed of Estates in Fee, in Trust, or by way of Mortgage, to make Conveyances of such Estates.
- 8 ——— Chap. 17. An Act for the better Security of Rents, and to prevent Frauds, committed by Tenants.
- 9 ——— Chap. 14. An Act against unlawful Gaming; Sections 1, 2, 3, 6, and 7, only.
- 12 Stat. I. Chap. 7. First, Second, and Third Sections only.
18. An Act for the preserving all Ships and Goods thereof, which shall happen

			to be forced on Shore, or stranded, upon the Coasts of this Kingdom, or any other of his Majesty's Dominions.
2 Geo. II.	Chap.	22.	Section the 11th only, concerning Debts.
4 ———	Chap.	28.	An Act concerning Rents.
5 ———	Chap.	7.	An Act for the more easy Recovery of Debts in his Majesty's Plantations and Colonies in America.
		25.	An Act to direct the Proceeding in Chancery against Persons beyond the Sea.
7 ———	Chap.	20.	Section 1, 2, and 3 only, concerning Mortgages.
8 ———	Chap.	24.	Section the 5th, concerning Debts.
11 ———	Chap.	19.	Twelfth and 13th Sections only, concerning Ejectment.

III. And be it further Enacted, by the Authority aforesaid, That in any of the above enumerated Statutes, where any Reference is made to any former Statute, as to the Penalty, or Manner of Recovery, or Execution of the said Statutes, or where the said Statutes are explained, or continued, or made perpetual, or confirmed, or clergy allowed by any other Statute; that in such Case, the said Statute so referred to, or that doth explain, continue, make perpetual, or confirm the above enumerated Statutes or allow Clergy for the Offence or Offences in any of them mentioned, are hereby declared to be of as full Force in this Province, as if particularly enumerated in this Act IV. And be it further Enacted, by the Authority aforesaid, That all the Statutes of the Kingdom of England, relating to the Allegiance of the People to his present Majesty King George, and his lawful Successors, and the several Public Oaths, and subscribing the Test, required of the People of England in General, by any of the said Statutes of the said Kingdom, and also all such Statutes in the Kingdom of England as declare the Rights and Liberties of the Subject and Enact the better securing the same; as to so much of the said Statute as relates to the above mentioned Particulars of the Allegiance of the People to their Sovereign, the Public Oaths, and subscribing the Test, required of them, and the declaring and securing the Rights and Liberties of the Subjects, are hereby Enacted and Declared to extend to, and to be of full Force in this Province, as if particularly enumerated in this Act.

V. And for the better putting in Force, and Execution of, all and every the before enumerated Statutes, Sections, and

Paragraphs of Statutes; Be it Enacted, by the Authority aforesaid, and it is hereby Enacted and declared, That the General Assembly of this Province, and the several Members thereof, shall have the same Power and Authority in any Matter or Thing relating to the said Statutes, or that is given by the same to the Parliament of England, or the Members thereof; and his Excellency the Governor, and the Council of this Province, for the Time being, shall have all the Power and Authority relating to the Execution of the said enumerated Statutes, as by the same, or by any other of the Laws of England, are given to the Lord Chancellor, or the Lord Keeper of the Great Seal of England; That the Chief Justice of this Province, and his Associates, for the Time being, shall have all the Power and Authority in the Execution of any of the said enumerated Statutes, as the Chief Justice, or any of the Justices or Judges of the Courts of the King's Bench, or Common Pleas, or any Justices of the Sessions or Commissioners of Oyer and Terminer and Gaol Delivery, in the Kingdom of England, can or may have or do: And that the Justices of the Peace in this Province, shall have the Powers of the Justices of the Peace in the Kingdom of England and every officer, Minister, or Under Officer of this Province, shall have and execute the same Power and Authority of every Justice, Officer, Minister, or Under-Officer of the same Name, Stile, and usual Office, Employment, and Authority in the Kingdom of England, in and about the Execution of the Premises, to all Intents, Constructions, and Purposes whatsoever, except such Officer or Officers, the Manner and Method of whose Duty and Office, is circumscribed and directed by the Laws of this Province.

VI. And be it further Enacted, by the Authority aforesaid, That all and every Part of the Common Law of England, where the same is not altered by the above enumerated Acts, or inconsistent with the particular Constitutions, Customs, and Laws of this Province, excepting so much thereof as hath Relation to the ancient Tenures, which are taken away by the Act of Parliament, made in the Twelfth Year of the Reign of King Charles the Second, Chapter the Twenty Fourth, intituled, An Act for taking away the Court of Wards and Liveries, and Tenure in Capite, and by Knights Service and Purveyance, &c., whereby it is Enacted, That all tenures by the Common Law, whether held of the King or any other Person or Persons, are turned into free and common Soccage; and which Statute, as to that Part of it which doth Enact, That all Tenures be turned into free and Common Soccage; is hereby Enacted and declared to be of as full Force in this

Province, as if particularly enumerated by this Act; and also excepting that Part of the Common Law which relates to Matters of Ecclesiastical, which are inconsistent with, or repugnant to, the Settlement of the Church, of England in this Province, by the Acts of Assembly thereof; be, and is hereby made and declared to be in as full Force and Virtue within this Province, as the same is, or ought to be, within the said Kingdom of England: And that the Governor for the Time being, with his Council, constituting a Court of Chancery in this Province, shall have Power to put in Execution, and cause to be put in Execution in this Province, so much of the said Common Law, (except as before excepted,) as the Lord Chancellor, or Lord Keeper of the Great Seal of Great Britain, may do in the Kingdom of England: And the Chief Justice of this Province for the Time being, and his Associates, may put in Execution so much of the said Common Law of England within this Province, (except as before excepted) as any of the Justices or Judges of any of the Courts of King's Bench, and Common Pleas, or Commissioners of Oyer and Terminer and General Gaol Delivery, may do in the said Kingdom of England: And every Officer, Minister, or Under-Officer, of this Province, shall Execute so much of the said Laws of this Province (except as before excepted) as any Officer, Minister or Under-Officer, of the same Name, Stile, Power, and Authority in the Kingdom of England, may or ought to execute within the same.

VII. And be it further Enacted, by the Authority aforesaid, That every Person respectively whatsoever, who derives any Authority or Power, Judicial or Ministerial, from and by this Act, who shall, or doth neglect, refuse or omit to do and execute all or any such Things which by the Acts before enumerated, or made of Force in this Province by this Act, or required to be done and executed, shall undergo such Penalties, forfeit such Sum or Sums of Money, Loss of Place or Office, for each such Neglect, Refusal, or Omission, as every respective Magistrate, Officer, Minister, and other Person whatsoever within the Kingdom of England, ought to undergo, forfeit, and suffer, by every of the said several and respective Acts; to be prosecuted, recovered, and disposed, according to the Directions of the said several Acts, in any of the Courts of Record within this Province, except where the Punishment of any of the above mentioned Offences is particularly mentioned and appointed, by any Law now in Force in this Government.

VIII. And be it further Enacted, by the Authority aforesaid, That the Governor, the Chief Justice of the Court of Common

Pleas, for the Time being, and his Associates, and every other Officer, Minister, Under-Officer, and every other Person whatsoever, concerned in the Execution of any of the above enumerated Acts, shall and may take such and so much Fees, for the doing and executing every Matter and Thing contained within the said Acts, as by the several Acts of Assembly of this Province, made for the ascertaining Officers' Fees, they may or ought to take and receive; any Thing in any of the Statutes mentioned in this Act to the contrary, notwithstanding.

IX. And be it further Enacted, by the Authority aforesaid, That every Court of Record within this Province, shall be taken for, and have and execute, the Power of the King's or Queen's Court, mentioned in any of the before recited Acts.

X. And be it further Enacted, That all Conveyances or Settlements of Lands or Tenements made in this Province, by Way of Bargain and Sale, or otherwise, shall be as good and effectual in Law, to all Intents and Purposes whatsoever, as if the Statute for transferring Uses into Possession, had been made of Force in this Province at the Time of such Conveyances made.

XI. And be it further Enacted, by the Authority aforesaid, That all the Statute Laws of the Kingdom of England, which are not enumerated and made of Force in this Province by this Act, (such only excepted which relate to, or concern his Majesty's Customs, and the Acts of Trade and Navigation,) are hereby declared not adapted, or applicable to, the Circumstances of this Province.

XII. Provided nevertheless, and be it hereby Enacted and Declared, That because few of the Statute Laws of the Kingdom of England, made since the Eleventh Year of the Reign of his present Majesty King George the Second, have been transmitted to this Province; It is hereby Enacted, That all Statute Laws made within the Kingdom of England since the said Eleventh Year of the Reign of his said Majesty King George the Second, shall be deemed, construed, and taken, to have such and the same Relation and Force in this Province, and all his Majesty's Subjects, inhabiting or dwelling in the same, as the same might, could, or ought to have had, if this Act had never been made.

XIII. Provided also, That this Act or any enumerated Act, or Clause, or Paragraph, or Section, or any Act therein contained, shall not be Construed or extended to alter the full course of Proceedings in the several Courts of Judicature in the Province; and the Manner of Drawing, balloting, or choosing of Jurymen, as the same is prescribed by the Laws of this Province in that

Case made and Provided, and all other Acts of Assembly of this Province, relating to the regulating Proceedings of the Courts of Judicature in this Province, are hereby declared to be of as full Force and Virtue, as if this Act had never been made; and the above enumerated Statutes of the Kingdom of England, are hereby Enacted to be put in Execution in this Province, as to the substantial Parts, and so as not to alter the usual Proceedings in our Courts in this Province, and the said Jury Acts: Any particular Clauses or Paragraphs in the Above enumerated Acts, with Respect to the particular Circumstances of England, being, or seeming to be to the contrary hereof, in anywise, notwithstanding.