

Judge or Court shall think fitt Guideing them selves as near L. H. J.
as Conveniently they may to the former precedents and
usages of the Co^t and in Default thereof to the forms of
England in the same or the Like Cases Except where any
thing is specially provided for by the Law of the Province.

The same Sessions An Act made Entituled An Act made
ordering some things Touching the Tryall & Judgeing the
Causes Containes the following Clause.

The Def^t in any Cause Civil or Criminall may put himself
for Tryall upon the Judge or Court or upon his Countrey or
may wage his Law in Cases allowable by the Law of England

In An Act made the first Day of Aug^t 1642 Entituled An p. 93
Act Touching succession to Land is Contain'd as followeth

Where any one Dyeth seized of Land in fee not Disposeing
of it otherwise by his Last will the next heir shall Succeed
as hath Right by the Law of England

The same Sessions in an Act made Entituled An Act or-
daining punishing of Certain Less Capital offences is Con-
tained as followeth

These following shall be Judged Likewise Capital offences
within this Province that is to say all offences of Homicide
Piracy Robbery Burglary Sacrilege Sorcery Rape Poligamy
and Larceny to be determined by the Judge as near as may [be]
to the Laws of England Likewise all offences of Willfull
burnings or Destroying a house or Stack of Tobacco Corn or
Hay of an other man's or of Cutting or plucking out an
others Eyes or Tongue and the offender (whether Principall
or accessory afore the offence Committed) in any of these
shall or may be Judged to suffer pains of Death or of burn-
ing in the hand or Loss of member or to Loose all his or
her Lands for Life Goods or Chattles Dignity or office or may
be out Law'd Exiled Imprisoned During Life or adjudged
to serve the Lord Prop^{ry} and his assignes for the Terme of
seven or Less years (Except he be a Gent) or may be other- p. 94
wise Corporally Corrected or put to shame as the Court shall
think the Crime to Deserve.

In An Act made the 13th day of Sep^r 1642 Entituled An
Act for Judges is Contained as followeth

Provided that the Leutenant Gen^{ll} of the Province or any
one of the Counsell or the Commander of the County of Kent
or in his absence the next in Commission then being in the
County may Determine and Correct any offences which are