

Superior Courts to be to us under the Like Reason and Consequence- L. H. J.
 quently under the Like Law as the Judges mentioned in the Statute are to the Subjects in England, and altho the Statute is that no Subject Resident in England shall be sent Prisoner beyond the Seas, that is, shall be sent from the place of his Residence, to be Imprison'd beyond the Seas, Yet if any Subject here Should be sent from hence to be Imprisoned beyond the Seas, nay even in England it Self (unless in the Case where it is particularly ordain'd by the Statute) such Imprisonment would be within the Reason of the Statute and a Breach thereof, and these and the Like Constructions are well allowable by the Constant practise of the Judges to be put upon these and other parts of the Statute, And when Your Lordship is pleas'd to observe that it has been often adjudged by all the Judges that this Statute did not Extend to the Plantations, we hope Your Lordship will not infer from them any Necessity that it should not Extend here, unless all the other Plantations have the Like Charter, and like priviledges with ours: for as our Case and Constitution differ from theirs so will the Law. As to the Statute of Labourers 5th of Elizth we have an Act of our own to suit our Constitution that provides for us in all Cases where that Statute would be Inconvenient, and the Like of the Statutes of Usury which Statutes we have heard are disused in many parts of England and a Fortiori might be unus'd here had we no acts of our own in the Case. But as we have they fall no ways under our Consideration and wherever those Evils are found here that the Statute of Frauds and Perjuries provides against, we use that Statute with great Satisfaction, as it has been frequently us'd here since the first making it, we generally Disallowing the Probatt of Wills that are not made Conformable to it, but these and all These and all other Statutes are under the Like Rules of Common Law or Equitable Construction that are us'd by the Judges in Construing Statutes in England Except such Statutes as are in favour of Priviledge which whether Located or Generall are so Expressly granted us by Your Charter that no Construction can be well admitted against them. p. 112

5. The mention we made in our Late address of the Averment of a Counsell in Blankard and Galdy's Case as Reported in 4th Modern is agreeable to the Book and we us'd it no otherwise than as the Averment of a Counsell on one side not deny'd on the other, and such we yet find it, but we Cannot think the Judgment of the Court was against it, for the Principall Case before the Court was on the Statute of the 5th of Edward 6th and not on the Statute of Limitations.