

part, practised under in the province and in the state. It is not necessary to repeat what is found in the books respecting the course pursued under this statute, of delivering over the persons who were thus discharged from the sentence of the law, to be dealt with according to the ecclesiastical canons; that course having been altered by the statute of 18 Eliz. Ch. 7.

In an indictment in 1710, on the benefit of clergy being prayed, &c. the judgement was, that the prisoners should be burnt in the left thumb with the letter M. according to the form of the statute, and the same judgement was given in several other cases, though in some it was less precise. See in the note on 25 Edw. 3, Stat. 3, Ch. 4, the remarks as to the act of 1809, Ch. 138.

CHAP. 24. How often a fine levied in the common pleas shall be read and proclaimed, and who shall be bound thereby.

See the notes on 1 Rich. 3, Ch. 7, and 18 Edw. 1, Stat. 4.



11 Hen. 7.—A. D. 1494.

CHAP. 1. None that shall attend upon the king and do him true service, shall be attainted, or forfeit any thing.

See 4 Bl. Com. 77 as to this statute, which must have been in force for the protection of the subjects in the province as well as those in England; but it is not necessary under the present constitution and form of government.

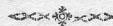


12 Hen. 7.—A. D. 1496.

CHAP. 7. Of murder.

It is under this statute that the benefit of clergy was taken from petty treason. See 4 Bl. Com. 204. In the records of the provincial court, I find two cases of indictments for this offence, (against persons killing their masters,) one in 1686, and the other in 1699, in both of which, the persons were found guilty, and sentenced to be hanged, and their execution ordered. The act of 1729, Ch. 4, recited that several petit treasons had been committed by negroes, and that the manner of executing offenders prescribed by the laws of England, was not sufficient to deter them, &c.

It is true that the benefit of clergy was afterwards (by 23 Hen. 8, Ch. 1, and 1 Edw. 6, Ch. 12,) taken away from petit treason, murder through malice prepense, and other crimes; but it may be said that this statute remained in force also. At present, by the act of 1809, Ch. 138, this offence not being particularly named is merged, or included in that of murder generally.



6 Hen. 8.—A. D. 1514.

CHAP. 4. An act for proclamations to be made before the exigent is awarded in foreign shires.

See the note on 25 Edw. 3, Stat. 5, Ch. 14.