

CHAP. 10. An act for feoffments and assurances of lands and tenements, made to the use of any parish church, chapel or such like.

See the note on 9 Hen. 3, Ch. 36.

24 Hen. 8.—A. D. 1532.

CHAP. 5. That a man killing a thief in his defence, shall not forfeit his goods.

Although no case has been found in which this statute has been brought into question, there is reason to believe that it was in force in the province, as a protection to the subjects; and it would be proper to be so continued, but for the provision in the act of 1809, Ch. 138, by which, forfeitures are abolished. See 4 Bl. Com. 184, 188, 1 Hale 487, Foster 283.

25 Hen. 8.—A. D. 1533.

CHAP. 3. For such as stand mute, &c.

This statute referred to 23 Hen. 8, Ch. 1, and took away the benefit of clergy from petit treason, wilful burning of houses, murther, robbery or burglary, or other felony according to that statute. It was repealed in part by 1 Edw. 6, Ch. 12, and revived by 5 and 6 Edw. 6, Ch. 10. See the note on 23 Hen. 8, Ch. 1, and 12 Hen. 7, Ch. 7.

CHAP. 6. The punishment of the vice of buggery.

See 4 Bl. Com. 216 as to this statute, confirmed and made perpetual by 5 Eliz. Ch. 17. There are three cases of prosecutions for this crime in the provincial court, the indictments concluding against the form of the statute. In the two first, the verdicts were "not guilty," and on the third the grand jury returned, "ignoramus."

In the act of 1793, Ch. 57, respecting the punishment of criminals, this crime was mentioned as one for which the justices might pass such judgement as the law required, or adjudge the offender to serve on the roads, &c. See also 1809, Ch. 138, Sect. 4, No. 8.

26 Hen. 8.—A. D. 1534.

CHAP. 13. An act whereby offences be made high treason, and taking away all sanctuaries for all manner of high treason. (Part.)

The last part respecting forfeitures, it is presumed was in force in the province, although they would have gone to the proprietor; but it is not proper to be incorporated, since the provision of the act of 1809, Ch. 138.