

could only speak to facts, to forbear giving in evidence, her marriage with one W. S. and that he is still alive, with many other true allegations. The jury found a verdict in the words following: "We, of the jury, find Elizabeth S. guilty of having a bastard child, and concealing the death of it," on which the court gave judgment of death. A certificate of the same import, as to the manner of the trial, was given by two judges of the court, to the president of the council, and the board advised that a reprieve should be granted till her majesty's pleasure should be known.

It is a circumstance generally known, that in the trial of M. Kelly, in the general court, at October term, 1792, the counsel and jury were informed by the court, that this statute did not apply to the case, or to that effect. The grounds of this decision, I have never been able to obtain any information of; but on account of its having been made, of the construction put on the statute in England, and of the injustice and inhumanity of enforcing it, and the change made in the law respecting murder, by the act of 1809, Ch. 138, it may confidently be said, that this statute is not proper to be incorporated with our laws.



3 Charles 1.—A. D. 1627.

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 the subjects, with the king's majesty's royal answer thereunto in full parliament.

See the note on 9 Hen. 3, Ch. 1, and see 1 Bl. Com. 128.



12 Charles 2.—A. D. 1660.

CHAP. 4. A subsidy granted to the king, of tonnage and poundage, and other sums of money payable upon merchandize exported and imported.

There is reason to believe that the people of the province were in some degree affected by this statute. I find in 1694, a commission to Mr. L. from the commissioners, for managing and causing to be collected his majesty's customs; a book of rates is stated to be sent therewith, containing the principal laws for management of the customs in England.

CHAP. 18. An act for the encouraging and increasing of shipping and navigation.

As to this statute, which is called one of the navigation acts, see 1 Bl. Com. 417 and 418. It is not necessary to enter into a more particular account of it, but it is certain that it was in force in the province. The first section speaks of the plantations, &c. in Asia, Africa or America; and by the second, the governors of plantations were to take an oath to do their utmost, that the *aforementioned* clauses should be observed; one of which was, that aliens should not exercise the occupation of merchants or factors in the plantations.

It appears by the Upper House journal, in 1695, that the oath of trade, under this statute, by name, and 15 Car. 2, Ch. 7, was administered to captain M. commissioned to cruize, and to D. P. sur-