

The sixth section of the act, has the same object as the tenth of the statute, to wit: prescribing the penalty for denying a *habeas corpus*, but instead of the forfeiture in the latter, of 500*l.* it declares that the persons refusing, shall be liable to the action of the parties.

The seventh section of the act is nearly the same in substance, with the seventh and eighth of the statute.

Although these alterations in the statute, must be familiar to those gentlemen who were concerned in the passage of the act, I have thought it necessary to make a comparison of their respective provisions, the result of which (considering the apparent intention of the legislature) is, that the ten first sections of this statute are not proper to be incorporated, &c.

The eleventh section related to counties palatine and privileged places. The twelfth, to sending prisoners to Scotland, Ireland, Jersey, &c. The thirteenth, to persons transported upon contract. The fourteenth, to persons convicted and transported; and the fifteenth, to imprisonment before the 1st of June 1679. The sixteenth, directing that persons might be sent to be tried, to Scotland, Ireland or any of the islands or foreign plantations of the king, where they committed the offence, must have been in some degree applicable to the province, but ceased to be so in the state.

The seventeenth section, directing the time within which prosecutions were to be made, must be presumed to have been purposely omitted, as well as the twentieth, respecting the mode of pleading. The eighteenth and nineteenth, related to trials in the assize courts; so that upon the whole, it follows, that no part of this statute is proper to be incorporated with our laws.



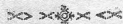
1 James 2.—A. D. 1685.

CHAP. 4. An act granting to his majesty an imposition upon all tobacco and sugar imported, &c.

This statute extended to the province as far as it related to the duty on tobacco.

CHAP. 17. An act for revising and continuing several acts of parliament therein mentioned.

The 6, 7 and 8 sections, provided for in the testamentary law.



1 William and Mary, Sess. 1.—A. D. 1688.

CHAP. 8. An act for the abrogating the oaths of supremacy and allegiance, and appointing other oaths.

The oath of supremacy was by 1 Eliz. Ch. 1, and the oath of allegiance by 3 James 1, Ch. 4. I do not find any act of assembly respecting the oaths prescribed by this statute; but it was taken by the several officers. The first instance found was in 1697, where it is stated in the provincial records, that the justices took the oaths required by act of parliament, instead of the oaths of allegiance and supremacy.