

CHAP. 2. A *recordare* to remove a plaintiff.—Pledges to prosecute a suit.—Second deliverance. (Part.)

This statute relates to replevins by writ, as well as to those by plaintiff. It is laid down in *Epinasse*, that the sheriff in either case is to take pledge *de retorno habendo*, which may be by bond. These bonds are with us taken by the clerk of the court issuing the replevins, which was always the practice in the province.

The writ of *recordare*, applying to replevins by plaintiff, is not in use, and the writ of *pone*, which lies in replevin by writ, has been used chiefly in cases where the defendant in replevin did not appear, which became necessary in actions of replevin, such as have been generally brought for the trial of titles to property. As to the last part of the statute, see 4th term reports, 510.

CHAP. 4. Where the wife shall be endowable of lands recovered against her husband.—Where the heir may avoid a dower recovered.—A remedy for particular tenants losing by default. (Part.)

See 2 Bac. Abt. title Dower, F; but the writs therein mentioned are not all in use.

CHAP. 7. Admeasurement of dower for the guardian and the heir; and the process thereon.

See 2 Bac. Abt. title Dower, K; and 2 Bl. Com. 136. See in 2d Harris' Entries, 697, a writ of *habere facias seisinam* or admeasurement of dower.

CHAP. 11. The master's remedy against their servants and accomptants. (Part.)

See the note on 1 Rich. 2, Ch. 12; and 52 Hen. 3, Ch. 23.

CHAP. 14. The process in an action of waste.—A writ to enquire of waste.

See the note on 6 Edw. 1, St. 3, Ch. 5, and see the form of the writ in Harris' Entries, 2d vol. 773. This statute is mentioned in the letter from S. Chase.

CHAP. 15. An infant elaigned may sue by *prochein amy*.

See 2 Inst. 390—261, cited in 5 Com. Did. title Pleader 2, C. 1.

CHAP. 22. Waste maintainable by one tenant in common against another.

See 5 Bac. Abt. title Waste, G; and see the note under 6 Edw. 1, Ch. 5. This statute is mentioned in the letter from S. Chase, which has been referred to.

CHAP. 24. A writ of nuisance of a house, &c. levied and aliened to another.—A *quod permittat* and *juris utrum* for a parson of a church.—In like cases like writs be grantable. (Part.)

See 3 Bl. Com. 51, 183 and 184. Although the manner in which writs are now framed is not the same, it is considered that the general rule as stated in the last part of the title was applicable to the province, and ought to be incorporated, &c.

CHAP. 31. An exception to a plea shall be sealed by the justices.

See 3 Bl. Com. 372. This statute has always been practised under in the province, and in the state. See Harris' Entries, (2d vol. 675,) in which there is a writ from the chancery court to the justices