

CHAP. 45. The process of execution of things recorded within the year, or afterwards.

The practice under this statute in the province and in the state, is well known. See 4 Bac. Abt. title *sire facias*, C; and Harris' Entries 2d vol. 728. This statute is mentioned in the letter from S. Chase, which has been referred to. See the act of October 1778, Ch. 21, Sect. 7 as to the issuing of executions within one year after the expiration of the stay of execution; and after the dissolution of any injunction or the discharge or expiration of any supersedeas on appeal, or writ of error.



*The statute of Westminster, 13 Edw. 1, Stat. 2.—A. D. 1285.*

CHAP. 1. Fresh suit shall be made after felons and robbers, from town to town.

See the note on West. 1, 3 Edw. 1, Ch. 9. Although the commission of robberies has been, and is less frequent in this country, than in that from which we descended, yet there are few persons but what have considered the pursuing of robbers, and the cry of "stop thief," as the established and proper mode of effecting their apprehension.

The manner in which felons were to be apprehended, was not a circumstance to be noted in the records of their trials, and therefore it is not surprising that no entry respecting the pursuit of them by hue and cry has been found; but in addition to the general opinion and usage, and to the nature of the duties which these statutes impose, I shall refer to the act passed in 1715, Ch. 15, for the appointment of constables, and what relates to their offices, which may be considered as a recognition of their duty, as well under the statutes as under the common law. The parts of the act relied on are in the form of the oath: "You shall do your best endeavour upon complaint to you made, to seize all felons, barretors, rioters, or persons riotously assembled; and if any such offender shall make any resistance with force, you shall levy *hue and cry*, and cause them to be pursued, so as they may be taken. You shall do your best endeavours that *hue and cry* be duly raised and pursued against murderers, thieves and other felons, and fugitive servants."

There are also in the council proceedings, several orders respecting the *posse comitatus* to the same effect. The substance of this statute is therefore considered proper to be incorporated with our laws.

CHAP. 4. At what time the gates of great towns shall be shut.—And when the night-watch shall begin and end. (Part.)

See the above note on Ch. 1, as to the last part of this statute.



*An ordinance for inquests, 33 Edw. 1, Stat. 4.—A. D. 1304.*

He that challengeth a jury or juror for the king, shall shew cause.

See 3 Bac. Abt. title Jurors, B. This statute is considered to have been applicable to the proprietor, and to be now applicable to the state, in challenges to be made.

The act of 1797, Ch. 87, respecting jurors, provides in the 9th section, that nothing therein shall take away the right of any person to challenge the array or polls of any panel returned in the man-