The saving contained in the 4th section of this statute, of cases reversed, was not inserted in the act of 1715, but according to the decision given in the case of Drane and Hodges, before mentioned, this part of the statute of James was considered as remaining in force, and capable of being used in connection with the act of assembly which had limited the time without expressing any such saving, although others were made therein. There was, some years past, a case in the general court, in which the counsel, by mistake had pleaded according to the statute, that more than 6 years had elapsed, which plea was overruled on demurrer, and the opportunity of pleading the 3 years according to the act of assembly was lost. As to the 6th section, respecting costs, it appears not to have extended. See the note on 43 Eliz. Ch. 6. The 7th section containing the saving for infants, &c. is to the same effect, and nearly in the same words as the 3d section of the act of 1715.

The 5th section is the one under which defendants may plead that the trespass was by negligence or involuntary, &c. This section is mentioned in the letter from S. Chase, that has been referred to. The result is, that the 1st, 2d, 4th, 5th and 7th sections are proper to be incorporated, &c.

CHAP. 23. An act for avoiding vexatious delays caused by removing actions and suits out of inferior courts. (Part.)

See 3 Bl. Com 130. Although the provisions of this statute could not be literally complied with, it was the practice not to remove suits by *habeas corpus* or *certiorari* after issue joined. See the act of October 1778, Ch. 21, S. 11, and July 1779, Ch. 4. But since the abolition of the general court, the parts respecting writs of *habeas corpus cum causa*, do not appear necessary to be incorporated.

CHAP. 24. An act for the relief of creditors against such persons as die in execution.

This statute has always been considered in force in the province and in the state; the occasions for resorting to it at present, do not happen so frequently as in England, although it was otherwise before the revolution. This statute is mentioned in the letter from S. Chase, which has been referred to.

12 *Charles* 2.—*A. D.* 1660.

CHAP. 24. An act for taking away the court of wards and liveries, and tenures in *capite*, and by knight's service and purveyance, and for settling a revenue upon his majesty in lieu thereof. (Part.)

I have had occasion to refer frequently to this statute in the notes on several others, and it must of necessity have been considered applicable to the circumstances of the people, as far as it abolished the courts and tenures therein mentioned, and enlarged the operation of the statutes of Henry eighth respecting wills. It is not, however, considered proper that it should be introduced, &c. as to its operation on those statutes, since the provisions made in the testamentary law; nor does it appear necessary that it should be incorporated on account of the courts and tenures abovementioned, as such courts and tenures may now be viewed as obsolete, and not to be revived by the omission of this statute.

But the 8th section, authorising parents to dispose of the custody of children during their minority, was in force in the province, and still remains so, except that there is no such specific action of ravishment of ward as is mentioned therein, now in use.