

The testamentary law, in the 12th chapter, gives directions as to any orphan who shall not have a natural guardian, or guardian appointed by last will, agreeably to the statute in that case provided; and by the 3d section such guardian may be called on to give bond for performance of his trust.

The 9th section, as to the power of such guardians, may also be retained in connection with the provisions in the testamentary law. The 10th and 11th sections related to the city of London, and to feudal titles of honor, and the remainder of the statute related to purveyance, and the king's revenue, and of course never extended to the province.



16 *Charles 2.*—*A. D.* 1644.

CHAP. 7. An act against deceitful, disorderly and excessive gaming.

This statute is in some respects altered by 9 Anne, Ch. 14, which is the one most frequently relied on; but it appears by the cases 2 Wilson 36, and Cowper 281, that the statute of Anne has reference to this in relation to the general words, "other game or games;" and as that statute extended to the province, and is still in force, the same must be said of this one in that respect; and also, as to the 3d section, under which contracts, securities, &c. are declared void, which first words are not inserted in the statute of Anne. It is therefore considered proper that this statute should be introduced, &c. together with that of Anne, on which a further note will be made.



16 and 17 *Charles 2.*—*A. D.* 1664.

CHAP. 8. An act to prevent arrests of judgment and superseding executions.  
(Part.)

See the note on 3 James 1, Ch. 8, as to the 3d section, which did not extend to the province, except as to dower and ejectment. As to the first part, see the note on 14 Edw. 3, St. 1, Ch. 6. This statute in the 1st and 2d sections, declares in what cases judgment after verdict shall not be stayed for default of form in pleading.

The act of 1713, Ch. 4, requiring security only in cases of the recovery of debt or damages, it is to be presumed that the removal of ejectments and cases of dower, have been under this statute, which is therefore proper to be continued as to that part; but it has not been the practice for the courts to issue writs to enquire of the mesne profits according to the 4th section, actions being afterwards brought therefor.



17 *Charles 2.*—*A. D.* 1665.

CHAP. 7. An act for a more speedy and effectual proceeding upon distresses and avowries for rents.

See the notes on 51 Hen. 3, St. 4. Under this statute the defendant or avowant for rent arrear, may have a writ to enquire into the value of the distress by a jury, and shall recover the amount in