to the opinion of the court in the case of Clayland's lessee vs. Pearce, (Harris and M'Henry's Reports, 29,) it was necessary that there should be a publication or notice of it, before it could be in operation. It appears that in a speech to both houses by the governor in 1725, he stated that this statute, with many others, had been expressly and often held not to extend to the plantations when doubted either in the courts of law or before the king in council; which statement however, there is reason to believe was totally disregarded by the house of delegates. The act of assembly referred to in the case of Clayland's lessee against Pearce, was probably that of 1692, Ch. 3; but the court of delegates might have adopted the statute as the other courts did without any such express direction. This statute is considered proper to be incorporated with our laws, except such parts as will be pointed out.

The 1st, 2d and 3d, relate to leases, and are proper to be incorporated, except as to copyhold estates, which are not in use with us.

The 4th section relating to agreements, has been constantly practised under in the courts of law and equity.

The 5th and 6th sections respecting the manner of signing wills, are copied nearly word for word in the testamentary law, Ch 1, S. 4, and therefore it may be considered unnecessary, if not improper, that those parts of the statutes should be incorporated; although according to what has been before observed respecting the preamble or first clause, they are not repealed by that law.

As to the 12th section, under which estates *pur autre vie* were devisable, the expressions in the 1st section of Ch. 1, in the testamentary law, seem to be sufficiently comprehensive to take them in, and by Ch. 7, they are made assets in the hands of the executor or administrator.

The 13th, 14th and 15th sections have not been altered by any act, and it was the practice in the general court, and in some of the county courts, to mark on the docket, the days on which the judgments were confessed; (what is called in England, signing judgments not being in use,) and the judgments as mentioned in the 15th section, have bound the lands from those days.

The 16th section, by which property was to be bound only from the time of the delivery of the *fieri facias* to the sheriff, remains also in full force; but under these 4 sections, a doubt has arisen, which I believe has not been solved by any decision, to wit: Whether a plaintiff taking *lands* by *fieri facias* under the statute 5 Geo. 2, Ch. 7, on the construction given thereto, shall have it bound to him as personal property by the delivery of the writ to the sheriff, or as land by the signing or docketing of the judgment.

The 18th section as to the enrollment of recognisances, is also considered applicable, although the occasions for resorting to it are not frequent. See 2 Bl. Com. 341, in which this statute is referred to; but our recognisances taken in court, or by magistrates, are generally for small sums, or are discharged without bringing into question their priority as liens on the lands of the cognisor.

The 19th, 20th, 21st and 22d sections relate to nuncupative wills, and do not appear to be altered by any act; but the 13th section of Ch. 2, of the testamentary law, is nearly similar to the 21st of this statute.

The 23d section, as to the exception of the wills of soldiers and mariners, or seamen being at sea, does not appear to have been applicable to the circumstances of the province, and there was a temporary provision to the same effect during the revolutionary war.

The 24th section respecting the jurisdiction of the ecclesiastical courts in England, could not have been considered applicable to the province.