

10 and 11 *William 3.*—*A. D.* 1699.

CHAP. 16. An act to enable posthumous children to take estates as if born in their father's life time.

This statute is considered to have been in force in the province and in the state, although the occasions for it were not so frequent as in England.

Under the act to direct descents, posthumous children of intestates, are to have the same right of inheritance of real estate as other children, and they are to take in the same manner by the testamentary law; but this statute related to estates limited in remainder, and made such children capable of taking, or vested the remainder in them. It appears proper therefore, that this statute should be incorporated, &c.

1 *Anne, Stat. 2.*—*A. D.* 1702.

CHAP. 6. An act for the better preventing escapes out of the queen's bench and fleet prison.

I have some recollection of proceedings under this statute, in some of the lower counties, especially as to warrants for retaking prisoners; although I cannot be certain of them, but the provisions on that subject, and as to bail, might be proper to be incorporated with some modification. See 2 *Wilson* 295.

3 and 4 *Anne.*—*A. D.* 1704.

CHAP. 9. An act giving like remedy upon promissory notes as is now used upon bills of exchange, and for the better payment of bills of exchange.

See the note on 9 and 10 *W. 3*, Ch. 17. This statute is well known to have been practised under in the province, and in the state, and it is considered proper to be incorporated with our laws, subject however, to the alteration made by our act of limitations, and the disuse of the remedy by *elegit*, and also subject to the operation of the act of 1785, Ch. 38, as to inland bills.

4 *Anne.*—*A. D.* 1705.

CHAP. 16. An act for the amendment of the law, and the better advancement of justice. (Part.)

This statute (except as to some parts,) is known to have extended to the province, and to have remained in force in the state. The 1st section directs, that where any demurrer shall be joined, the judges shall give judgment according as the very right and matter in law shall appear to them, without regarding any imperfection, &c. except those specially and particularly set down, so as sufficient matter appears, although not aided by the statute 27 *Eliz.* Ch. 5; and it contains also some other provisions. Although there is reason to believe that this statute had been practised under in the pro-