vince, as well as the others on the same subject, the provisions abovementioned, and those in the 2d section were nearly copied into the act of 1763, Ch. 23, for the advancement of justice, which is still in force, except the 4th section. See Harris and M'Henry's Reports, p. 405.

The 3d section of this statute, declaring when warrants of attorney should be filed, does not appear to have been practised under in the province. The act of 1715, Ch. 28, after prescribing the form of the recognisance of bail to be taken in the counties, directed, that it should be transmitted to the court, together with a warrant of attorney signed by the defendant, to some attorney to appear for him. The form of the recognisance or bail peice has been altered by the act of October 1778, Ch. 21, and it has been the practice to have it accompanied by a warrant or authority to some attorney to appear.

The 4th section relates to the pleading double, or pleading of several matters; and the established forms of pleading are the same as in England, to wit: That the defendant, with the leave of the court, according to the form of the statute further defends, &c. The proviso in the 5th section, respecting costs on demurrers, or any of the issues joined, I believe has not been in use in the province, or the state.

The 6th section respecting juries, was not necessary in the province, considering the acts of assembly on the subject. For the reason of this provision, see 3 Bl. Com. 360.

The 7th section extended with the 1st, and was in the same manner introduced in the act of 1763.

The 8th section related to views of land. At common law a view might be demanded in real actions, but not in personal, without withdrawing a juror, and a rule of court by consent of the parties. By this statute it was to be granted in any action, if it should appear to the court that it was proper and necessary, the better to understand the evidence at the trial. These views have not been and are not usual in our practice. The views in the case in Harris and M'Henry's Reports, p. 9 and 10 were before the making of this statute, to wit: In 1666; and seem to have been made in a very irregular manner, so as not to be referable to any known rule of law or practice.

The 9th and 10th sections declared all grants and conveyances to be good without attornment of tenants. See 2 Bl. Com. 288, 289 and 290 as to the effect of this statute. And inasmuch as the doctrine had extended to lessees for life or years, this part of the statute, may, as a rule of property, have been in force in the province.

The 11th section declaring that no dilatory plea shall be received without affidavit, &c. has been practised under in the province, and in the state. See 2 Harris' Entries, 270 and 276.

The 12th section relates to the plea of payment, and the 13th to the payment of money into court; both of which are known to have been, and to remain in force.

The 14th section, relates to nuncupative wills, and is considered to be in force with the sections of the statute of frauds, relating thereto. See the note on that statute, 29 Charles 2, Ch. 3.

The 15th and 16th sections were in force in the province, but since the disuse of fines and common recoveries, they are not proper to be incorporated, &c.

The 17th 18th and 19th sections, relating to seamen's wages, do not appear to have been applicable to the province.

The 20th section authorised the assignment of bail bonds, and has been mentioned in the note to 23 Hen. 6, Ch. 9.

The 21st section made void warranties by tenant for life as therein described, and all collateral warranties by any ancestor, who had no estate of inheritance in possession in the same, as against his heir. It is considered proper to be incorporated.