

The 22d section relates to subpoenas from the chancery court, and may have regulated the practice, which is in some respects conformable to it.

The 23d section giving costs on bills dismissed by complainants, appears to have been in force, and proper to be continued.

The 24th section extended this, and the other statutes of jeofails to the king, and is considered proper to be incorporated as to the state.

The 25th section gave costs to the defendant in error, on a writ of error being quashed; and it is considered to have been, and to remain in force.

The 26th section, related to probates on the wills of persons having money due for work in the yards and docks in England, and to administration on their estates.

The 27th section, directed that actions of account might be brought against the executors of guardians, bailiffs and receivers, and by tenants in common and joint tenants, and contained provisions as to the power of the auditors. The action of account is recognised in the act of 1785, Ch. 80, S. 12; so that this section appears proper to be incorporated, although the part respecting the executors of guardians may be included in the testamentary law. It appears that the greater part of this statute is proper to be incorporated, although possibly some modifications may be found necessary; among which it may be proper to explain a doubt as to the 4th section, for pleading double, which has been held in England to extend only to pleas to declarations, and not to rejoinders to replications. Although the latter are in suits or bonds with collateral conditions within the same reason, and although the words of the statute do not so confine the remedy. This statute is mentioned in the letter from S. Chase, which has been referred to.



5 Anne.—A. D. 1706.



CHAP. 9. An act for rendering more effectual, an act passed in the first year of her majesty's reign, entitled, "An act for the better preventing escapes out of the queen's bench and fleet prisons."

See the note on 1 Anne, Stat. 2, Ch. 6.



6 Anne.—A. D. 1707.



CHAP. 18. An act for the more effectual discovery of the death of persons, pretended to be alive, to the prejudice of those who claim estates after their deaths.

As to the first 4 sections, see the note on 19 Charles 2, Ch. 6. The 5th section, as to guardians holding over, &c. appears also to have been and to remain in force.



7 Anne.—A. D. 1708.



CHAP. 19. An act to enable infants who are seized or possessed of estates in fee in trust, or by way of mortgage, to make conveyances of such estates.

See the note on 4 George 2, Ch. 10.