

12 George 1.—A. D. 1725.

CHAP. 29. An act to prevent frivolous and vexatious arrests. (Part.)

The two first sections of this statute, (except as to the inferior court, and the sum of 40s.) have been in force in some degree in the province and in the state, although the practice under it has been different from that in Great-Britain. It has not been very common to make the affidavit as therein required, but it is sometimes done. See the form in 2 Harris' Entries, p. 1. When under the act of 1729, Ch. 20, accounts to any extent were proved by the parties own oath, they were generally filed with the declaration; from which, the sheriff expected that bail was to be given; in default of which, he was to be amerced, and the same rule held as to bonds which were *prima facie* sufficient to induce the courts to reject an appearance without bail. The bail has also, in the province and in the state been held liable to the amount recovered, instead of the sum sworn to and marked on the writ, as directed by this statute.

It has not been usual to serve the defendant (where the cause of action is not proved) with a copy of the process, according to the provisions in the 1st section; but I have some recollection of appearance being entered in such cases for the defendant, if returned taken on the writ.

4 George 2.—A. D. 1731.

CHAP. 10 An act to enable idiots and lunatics, who are seized or possessed of estates in fee, or for lives or terms of years in trust, or by way of mortgage, to make conveyances, surrenders, or assignments of such estates.

This statute appears to have been applicable to the circumstances of the people, and capable of being put in execution by the chancery court in the province. The cases therein mentioned, may not be fully provided for by our acts of assembly notwithstanding the act of November 1773, Ch. 7, and it therefore may be proper that this statute should be incorporated, &c. See the statutes 29 George 2, Ch. 31, and 11 George 3, Ch. 20.

CHAP. 26. An act that all proceedings in courts of justice, within that part of Great-Britain called England, and in the court of exchequer in Scotland, shall be in the English language.

See 3 Bl. Com. 322 and 323. It is probable that this statute may have been in force in the province, although the proceedings (which were not very formal) were always in English.

CHAP. 28. An act for the more effectual preventing of frauds committed by tenants; and for the more easy recovering of rents, and renewal of leases.

This statute extended to the province, and is considered proper to be incorporated, &c. See 2 Bl. Com. 42, 3 Bl. Com. 6, and Douglass 605. This statute is mentioned in the letter from S. Chase.

5 George 2.—A. D. 1732.

CHAP. 7. An act for the more easy recovery of debts in his majesty's plantations and colonies in America.

See the note on 29 Charles 2, Ch. 3. This statute was made in order to operate on the natives and inhabitants of the province, and for the benefit of the subjects of Great-Britain trading thereto, as is