

CHAP. 23. Judgments given, shall continue until they shall be reversed by attaint or error.

CHAP. 23. The reasons for passing this statute, are stated in 3 Bl. Com. 52, and there are some remarks on it in "Doctor and Student," Ch. 18, and 12 Co. 64. From what is said by Blackstone, it will appear that it had become inoperative in England, and of course could not have extended to the province. I find however, that mention was made of it in 1699, in the provincial court. On a verdict for the plaintiff in a civil action, reasons were filed in arrest of judgment, setting forth, that the case had been tried before, and judgment given. One of the objections was as follows:

"I request the benefit of the statute or act of parliament, in the 4th year of Hen. 4, entitled, "An act that judgments shall continue in force," &c. which statute is still in force, and never yet repealed, and is practised in this country." The reasons had been overruled in the county court, and that judgment was affirmed.

The reversing judgments by attaint was not in use in the province, and their being reversed by writ of error, did not depend on this statute.

CHAP. 24. Cloths.

CHAP. 25. Ostlers.

The remaining chapters from 26 to 35, chiefly relating to Wales, were altered repealed, or had expired.



*Statutes made at Westminster, 5 Hen. 4.—A. D. 1403.*

STATUTES.

CHAP. 1. Lands forfeited.

CHAP. 2. Pardon.—Approvers.

CHAP. 3. Watch.

CHAP. 4. Felony.—Gold.

CHAP. 5. It shall be felony to cut out the tongue or pull out the eyes of the king's liege people.

NOTES.

CHAP. 1. Expired.

CHAP. 5. I find no instance in the provincial records of any prosecution under this statute, which as it made the offence a felony, cannot otherwise be said to have extended to the province; but it was probably in the view of the legislature in passing the act of 1642, Ch. 20, ordaining punishment for certain less capital offences, among which was that of cutting or plucking