

7 *Hen. 8.*—*A. D. 1515.*

CHAP. 4. An act concerning avowries for rents and services. (Part.)

The part by which recoverors were empowered to distrain, was probably in force in the province while common recoveries were in use. See Jacob's Law Dictionary, title Recovery, 7th column.

21 *Hen. 8.*—*A. D. 1529.*

CHAP. 5. What fees ought to be taken for probate of testaments. (Part.)

See the Deputy Commissary's Guide, p. 3, and see the note on 13 *Edw. 1*, Stat. 1, Ch. 19.

CHAP. 11. At what time restitution shall be made of goods stolen.

See 4 *Bl. Com.* 355. This statute must have been in force as to prosecutions for larceny at common law. The act of 1715, Ch. 26, also provided for the goods being restored, which is now done by the act of 1809, Ch. 138.

CHAP. 15. Fermors shall enjoy their leases against recoveries by feigned titles.

See the note on 7 *Hen. 8*, Ch. 4, and see 1 *Vesey*, jur. 567.

22 *Hen. 8.*—*A. D. 1530.*

CHAP. 14. For abjurations and sanctuaries. (Part.)

By the common law, peremptory challenges were allowed in capital cases to the number of 35. The 6th section of this statute declared, that no person arraigned for any petit treason, murder or felony should be admitted to any peremptory challenge above the number of 20. The statute 1 and 2 *Ph. and M.* Ch. 10, S. 7, declared that all trials for any treason should be had and used, only according to the due order and course of the common laws of this realm, and not otherwise; which restored the number to 35 as to high treason and petit treason, but did not repeal the provision in this statute as to other felonies. See 1 *East's Crown Law* 217, and 4 *Bl. Com.* 348.

The provision of this statute, as to the number of 20 in peremptory challenges was adopted in the acts of 1737, Ch. 2, 1744, Ch. 20, and 1751, Ch. 14. The act of 1809, Ch. 138, S. 13 declares, that in no case shall the accused be admitted to challenge more than 20 jurors without assigning cause.

23 *Hen. 8.*—*A. D. 1531.*

CHAP. 1. An act concerning convicts in petit treason, murder, &c.

This statute has been mentioned in the note on 12 *Hen. 7*, Ch. 7. See 4 *Bl. Com.* 201—2, and 366. From the well known punishment of murder in the province, and in the state heretofore, there can be no doubt of this statute having extended; but the act of 1809, Ch. 138, having provided for the punishment of murder, it is not proper to be incorporated, &c.