

STATUTES
AND PARTS OF STATUTES
FOUND APPLICABLE,
AND PROPER TO BE INCORPORATED.

Magna Charta, 9 Hen. 3.—A. D. 1225.

CHAP. 7. A widow shall have her marriage inheritance and quarentine.—The king's widow, &c. (Part.)

Without going at large into the law respecting dower, it may be proper to observe, that besides the oppressions which this part of the great charter had provided against, respecting the marriage of the widow, it declared that nothing should be taken for the assignment of her dower, and confirmed the privilege of her quarentine, or remaining in the chief mansion-house forty days after her husband's death, within which time her dower was to be assigned by the heir, to wit: the third part of all the lands of her husband, which were his, during coverture. And so far, it has been in force in the province and in the state, and is proper to be introduced and incorporated with our laws.

See further on this subject in the note to 20 Hen. 3, Ch. 1.

It is to be observed, also, that the exceptions of cases, where the house was a castle, and of endowment at the church door, were not applicable to the province.

CHAP. 8. How sureties shall be charged to the king..

See the note on Ch. 18.

CHAP. 18. The king's debtor dying, the king shall be first paid.

As to the first part of this chapter, it is observed in 2d Inst. 32, that the king, by his prerogative, should be preferred in satisfaction of his debt, by the executors before any other, and that if the executor had sufficient to pay the king's debt, the heir or any purchaser of his land should not be charged; which last position is an inference drawn from the statute, but is not expressed in it.

By common law, the body, goods and lands of a debtor were liable for his debt to the king; and the king might have resorted to the heir, although the executor had assets. But it is laid down in 2d Inst. 14, that under the 8th chapter of Magna Charta, and by the process since the statute 23 Hen. 8, Ch. 39, (under which such debt might be recovered against the executors or administrators,) if it appeared to the sheriff that the goods of the debtor were sufficient for the king's debt, he ought not to extend the lands.