

restraining offenders, arresting them, &c. given by this statute. The power therein mentioned, of hearing and determining felonies, &c. did not extend to the province; nor the last part respecting fines.



Statutes made at Westminster, 36 Edw. 3.—A. D. 1362.

CHAP. 15. Pleas shall be pleaded in the English tongue, and inrolled in Latin.
(Part.)

For the reason of making this statute, see 3 Bl. Com. 317, 318 and 322. It must have been (together with the statutes of Geo. 2) in some degree, in force in the province, although the pleadings were not very accurately entered at the first settlement. The practice is now established, but it cannot be said that a statute which was the origin of it, is improper to be incorporated with our laws.



Statutes made at Westminster, 50 Edw. 3.—A. D. 1376.

CHAP. 5. None shall arrest priests or clerks doing divine service.

See 3 Bl. Com. 289. Although I have not met with any adjudication on this subject, there is reason to believe that this statute was applicable to the province, and it appears proper to be continued, &c.

CHAP. 6. Fraudulent assurances of lands or goods, to deceive creditors, shall be void.

See 1 Fonblanque 276 (in notes) as to this statute, and 3 Hen. 7, Ch. 4, which may be proper to be incorporated, notwithstanding the statutes of Elizabeth, &c.



Statutes made at Westminster, 1 Rich. 2.—A. D. 1377.

CHAP. 12. A prisoner by judgement shall not be let at large.

This statute, together with that of West. 2, (13 Edw. 1, Ch. 11,) has been usually practised under in the province, and in the state. It is stated in 3 Bl. Com. 164, that "if after judgment, a gaoler or a sheriff permits a debtor to escape, who is charged in execution for a certain sum, the debt immediately becomes his own, and he is compellable by action of debt, (being for a sum liquidated and ascertained,) to satisfy the creditor his whole demand," which doctrine is grounded on the equity of the statute of West. 2, (13 Edw. 1, Ch. 11,) and 1 Rich. 2, Ch. 12. See also Espinasse 203. The words of the statute of West. 2, as to this subject, are as follows: "And let the sheriff or keeper of such gaol take heed, if it be within a franchise or without, that he do not suffer him to go out of prison by the common writ called *replegiare*, or by other means, without the assent of his master; and if he do, and be thereof convict, he shall be answerable to his master for the damages done to him by such his servant, according as it may be found by the country, and shall have his recovery by writ of debt." This statute declares as follows: "It is ordained and assented, that from henceforth no warden of the fleet shall suffer any prisoner there, being by judgment at the suit of the party, to go out of prison