

her, or them, whereby such Person or Persons, his, her, or their Servant or Agent, as aforesaid, doth or shall promise to pay to any other Person or Persons, his, her, or their Order, or unto Bearer, any Sum of Money mentioned in such Note, shall be taken and construed to be, by virtue thereof, due and payable to any such Person or Persons, to whom the same is made payable; and also every such Note payable to any Person or Persons, his, her, or their Order, shall be assignable or indorsible over, in the same Manner as Inland Bills of Exchange are or may be, according to the Custom of Merchants; and that the Person or Persons, to whom such Sum of Money is or shall be by such Note made payable; shall and may maintain an Action for the same, in such Manner as he, she, or they might do, upon any Inland Bill of Exchange, made or drawn according to the Custom of Merchants, against the Person or Persons, who, or whose Servant or Agent, as aforesaid, signed the same; and that any Person or Persons, to whom such Note that is payable to any Person or Persons, his, her, or their Order, is indorsed or assigned, or the Money therein mentioned ordered to be paid by Indorsement thereon, shall and may maintain his, her, or their Action for such Sum of Money, either against the Person or Persons, who, or whose Servant or Agent, as aforesaid, signed such Note, or against any of the Persons that indorsed the same, in like Manner as in Cases of Inland Bills of Exchange: And in every such Action the Plaintiff or Plaintiffs shall recover his, her, or their Damages and Costs of Suit; and if such Plaintiff or Plaintiffs shall be Nonsuited, or a Verdict be given against him, her, or them, the Defendant or Defendants shall recover, his, her, or their Costs against the Plaintiff or Plaintiffs; and every such Plaintiff or Plaintiffs, Defendant or Defendants, respectively recovering, may sue out Execution for such Damages and Costs.

Promissory Notes may be assigned or indorsed, and Action maintained thereon, as on Inland Bills of Exchange.

Plaintiff or Defendant may recover Costs.

II. *And be it further Enacted*, That all and every such Actions shall be commenced, sued and brought, within such Time as is appointed for commencing or suing Actions upon the Case, by the Act of this Province, made in the Thirty Second Year of his late Majesty's Reign, intituled *An Act for Limitation of Actions, and for avoiding Suits of Law*.

How Actions shall be brought.

C A P. III.

An ACT in Addition to and further Amendment of an Act made in the Thirty Second Year of his late Majesty's Reign, intituled *An Act relating to Treasons and Felonies*.

32. Geo. 2: c. 13.



HERE AS it may be doubted in what County the Crime of Murder may be tried, where the Stroke is given in one County and Death ensues in another County, or where any Persons shall be Accessaries to Murders or Felonies committed in several Counties, Therefore be it Enacted

Preamble.

Eng. Stat. 2. & 3. Ed. 6. c. 24

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The Trial of a Murderer that strikes or poisons a Man in one County which dieth thereof in another County.

ted by the Lieutenant Governor, Council, and Assembly, That where any Person or Persons shall be feloniously stricken or poisoned in one County, and die of the same stroke or poisoning in another County, that then an Indictment thereof found by Jurors of the County where the Death shall happen, whether it shall be found before the Coroner upon the Sight of such dead Body, or before the Justices of the Peace, or other Justices or Commissioners which shall have Authority to enquire of such Offences, shall be as good and effectual in the Law as if the stroke or poisoning had been committed and done in the same County where the Party shall die, or where such Indictment shall be so found; any Law or Usage to the contrary notwithstanding: And that the Justices of Oyer and Terminer and Gaol Delivery, in the same County where such Indictment at any Time hereafter shall be taken, shall and may proceed upon the same in all Points, as they should or ought to do, in Case such felonious Stroke and Death thereby ensuing, or poisoning and Death thereof ensuing, had grown all in one and the same County. And that such Party to whom Appeal of Murder shall be given by the Law, may commence, take, and sue Appeal of Murder in the same County where the Party so feloniously stricken or poisoned shall die, as well against the Principal and Principals, as against every Accessary to the same Offences, in whatsoever County or Place the Accessary or Accessaries shall be guilty to the same. And further, the Justices before whom any such Appeal shall be commenced, sued, and taken, within the Year and Day after such Murder and Manslaughter committed and done, shall proceed against all and every such Accessary and Accessaries, in the same County where such Appeal shall be so taken, as well concerning the Trial by the Jurors, or Twelve Men of such County where such Appeal or Appeals shall be hereafter taken upon the Plea of Not Guilty pleaded by such Offender or Offenders, as otherwise.

Where an Appeal of Murder in the Case aforesaid shall be pursued.

Appeal against the Accessary.

Trial of an Accessary in one County to a Murder or Felony done in another County.

II. And be it further Enacted, That where any Murder or Felony hereafter shall be committed and done in one County, and another Person or more shall be Accessary or Accessaries in any Manner of wise to any such Murder or Felony in any other County, that then an Indictment found or taken against such Accessary and Accessaries upon the Circumstance of such Matter before Justices of Oyer and Terminer, and Gaol Delivery, appointed to enquire of Felonies in the County where such Offences of Accessary or Accessaries in any Manner of wise shall be committed or done, shall be as good and effectual in the Law, as if the said principal Offence had been committed or done within the same County where the same Indictment against such Accessary shall be found. And that every such Accessary and other Offenders above expressed, shall answer upon their Arraignments, and receive such Trial, Judgment, Order, and Execution, and suffer such Forfeitures, Pains and Penalties, as is used in other Cases of Felony; any Law, or Custom to the contrary heretofore used in any wise notwithstanding.

III. And

III. *And Whereas by the Act of this Province made in the Thirty Second Year of His late Majesty's Reign, intituled An Act relating to Treasons and Felonies, no Declaration is made respecting the Crime of Petit Treason: Be it therefore Enacted,* That if any Woman with Malice prepense, shall kill or procure any other Person or Persons to kill her Husband; or if any Servant with Malice prepense, shall kill or procure any other Person or Persons to kill his or her Master or Mistress; the Persons so offending, their Counsellors, Aiders, and Abettors, privy to the Offence, shall upon due Conviction, be adjudged guilty of Petit Treason, and suffer Death without Benefit of Clergy accordingly.

*Eng. Stat. 25 Ed. 3.
Stat. 5. c. 2.*

Petit Treason.

IV. *And Whereas by the said Act of the Province, relating to Treasons and Felonies, it is among other Things Enacted,* "That if any Person with Malice prepense, shall kill or procure any other Persons to kill, or shall on Purpose and of Malice forethought, and by laying in Wait, unlawfully cut out or disable the Tongue, put out an Eye, slit the Nose, cut off a Nose or Lip, or cut off or disable any Limb or Member, of any Person, with Intention to kill or to maim or disfigure any such Person; the Persons so offending, their Counsellors, Aiders and Abettors, privy to the Offence, shall be Felons without Benefit of Clergy;" *And it is thereby also Provided* "That no Attainder of such Felony shall work Corruption of Blood, or Forfeiture of Dower, Lands, or Goods of the Offender." *And Whereas Doubts may arise as to what Offences the said Proviso was meant to extend; Be it therefore Enacted and Declared,* That the said Proviso was meant and intended, and shall be construed, deemed, and taken to extend only to the Felony of Maiming, as declared and expressed in the recited Clause in the said Act.

No Corruption of Blood &c. to extend to the Felony of Maiming.

V. *And be it further Enacted,* That the Justices of the Peace, before whom any Person shall be brought for any Murder, Manslaughter, or Felony, or for Suspicion thereof, shall take the Examination of such Prisoner, and Information of those that bring him, of the Fact and Circumstance thereof; and the same, or as much thereof as shall be material to prove the Fact, shall put in Writing; and the same shall certify, together with the Bailment of such Prisoner, (in case the Crime whereof such Prisoner is charged, is bailable) at the next *Sessions of Oyer and Terminer* or *Gaol Delivery*, to be holden within the Limits of their Commission: And that the said Justices shall bind all such by Recognizance or Obligation, as do declare any Thing material to prove such Murder, Manslaughter, or Felony against such Prisoner, to appear at the next *Sessions of Oyer and Terminer* or *Gaol Delivery*, to be holden within the County where the Trial of such Murder, Manslaughter, or Felony, shall be, then and there to give Evidence against such Prisoner; and that the said Justices shall certify the said Bonds or Recognizances taken before them, in like Manner as the Examinations of such Prisoner, and the Witnesses, are herein before directed to be certified.

*Eng. Stat. 1. & 2.
Phil. & Mar. c. 13.
2. & 3. Phil. &
Mar. c. 10.*

The Justices Duty in the Examination and Bailment of a Prisoner, and in the Examination of Witnesses, and certifying thereof.