

To be subject to the orders of the court the judges whereof appointed them.

And to render to the same court an account of their proceedings attesting thereto in open court.

Trustees to be allowed 5 per cent for their trouble.

Special matter given in evidence under general issue.

Continuance of the act.

such trustees and each of them shall be subject to such orders and directions for the more effectual putting this act in execution, and finishing a distribution of such estate or effects as may come to their hands by virtue of such appointment as shall from time to time be made and given in the court by the judge or judges whereof such appointment of trustees was made. And also that such trustees shall render unto the court by the judge or judges whereof they were appointed, a just and true account or accounts in writing, upon oath made in open court of their proceedings and accounts in the premises by virtue of their appointment, which shall be filed with the clerk of the said court for the satisfaction of all persons concerned. And such trustees of the estate of any such absconding or concealed person or persons shall and may retain and keep in their hands for the trouble and services to be by them performed, the sum of five per cent on the whole sum which shall come into their hands by virtue of such appointment before each dividend made, over and above all necessary disbursements in the premises.

XXV. *And be it further enacted*, That if any person or persons shall be sued for any matter or thing done in pursuance or by virtue of this act, it shall and may be lawful for him, her or them, to plead the general issue and give the special matter in evidence. And also that this act shall be beneficially construed for the creditors in all courts of record within this province; and that the same shall continue and be of force as to the powers of judges to grant such warrants of attachment and exercise the powers hereby given until the first day of February, which will be in the year of our Lord one thousand seven hundred and ninety. And from thence to the end of the then next session of the general assembly of this province. But shall continue and be in full force as to the power of every court, person, and trustees, that shall be appointed as aforesaid, by virtue of this act before its above limitation and have any duty or thing thereby enjoined or required to be done until a full and final settlement and distribution shall be made by them and finished according to the true intent and meaning of this act.

CAP. XIV.

An ACT for PREVENTION of FRAUDS
and PERJURIES.

Preamble.

FOR prevention of many fraudulent practices, which are commonly endeavour'd to be upheld by perjury and subornation of perjury; *Be it enacted by the Governor, Council and Assembly,*

sembly, That all leases, estates, interests, of freeholds, or terms of years, or any uncertain interest of, in, to or out of any messuages, manors, lands, tenements, or hereditaments, made or created by livery and feisin only, or by parole, and not put in writing, and signed by the parties so making or creating the same, or their agents thereunto lawfully authorized by writing, shall have the force and effect of leases or estates at will only, and shall not either in law or equity be deemed or taken to have any other or greater force or effect; any consideration for making any such parole, leases or estates, or any former law or usage, to the contrary notwithstanding.

Leases &c. or uncertain interest in messuages &c. created by livery and feisin only, and not in writing shall have the effect of estates at will only.

II. *Except nevertbeless*, All leases not exceeding the term of three years from the making thereof, whereupon the rent reserved to the landlord, during such term, shall amount unto two third parts at the least of the full improved value of the thing demised.

Except leases not exceeding three years, and the rent equal to two thirds the value.

III. *And moreover*, That no leases, estates or interests, either of freehold, or terms of years, or any uncertain interest, of, in, to or out of any messuages, manors, lands, tenements, or hereditaments, shall be assigned, granted or surrendered, unless it be by deed or note in writing, signed by the party so assigning, granting or surrendering the same, or their agents thereunto lawfully authorized by writing, or by act and operation of law.

Leases &c. not to be assigned &c but in writing.

IV. *And be it further enacted*, That no action shall be brought whereby to charge any executor or administrator upon any special promise, to answer damages out of his own estate; or whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriages of another person; or to charge any person upon any agreement made upon consideration of marriage, or upon any contract or sale of lands, tenements or hereditaments, or any interest in or concerning them; or upon any agreement that is not to be performed within the space of one year from the making thereof; unless the agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and signed by the party to be charged therewith, or some other person thereunto by him lawfully authorized.

No action to be brought on special promise of executors or administrators; on promise to answer debt of another; on sale of lands, &c. on agreement not to be performed in one year or promise of marriage, unless in writing.

V. *And be it further enacted*, That all declarations or creations of trusts or confidences of any lands, tenements or hereditaments shall be manifested and proved by some writing, signed by the party who is by law enabled to declare such trust, or by his last will in writing, or else they shall be utterly void and of none effect.

Declarations or creations of trusts or confidences of lands &c. not in writing, to be void.

VI. *Provided always*, That where any conveyance shall be made of any lands or tenements by which a trust or confidence shall

Trusts &c. arising, transferred or extinguished

by operation of law excepted.

shall or may arise or result by the implication or construction of law, or be transferred or extinguished by an act or operation of law, then and in every such case, such trust or confidence shall be of the like force and effect as the same would have been if this statute had not been made; any thing herein before contained to the contrary notwithstanding.

Grants &c. of trusts not in writing, void.

VII. *And be it further enacted*, That all grants and assignments of any trust or confidence shall likewise be in writing, signed by the party granting or assigning the same, or by such last will or devise, or else shall be utterly void and of none effect.

Sheriff to whom writ or process is directed on judgment, &c. to deliver execution of lands &c. of which other persons are seized in trust for him against whom such execution is sued.

VIII. *And be it further enacted*, That it shall and may be lawful for every sheriff or other officer to whom any writ or precept is or shall be directed, at the suit of any person or persons, of, for and upon any judgment, statute or recognizance hereafter to be made or had, to do, make and deliver execution unto the party in that behalf, suing, of all such lands, tenements, rectories, rents and hereditaments, as any other person or persons, be in any manner seized or possessed, or hereafter shall be seized or possessed in trust for him against whom execution is so sued, like as the sheriff or other officer might or ought to have done, if the said party against whom execution hereafter shall be so sued, had been seized of such lands, tenements, rectories, rents or other hereditaments of such estate as they be seized of in trust for him at the time of the said execution sued; which lands, tenements, rectories, rents and other hereditaments by force and virtue of such execution, shall accordingly be held or enjoyed, freed and discharged from all incumbrances of such person or persons as shall be so seized or possessed in trust for the person against whom such execution shall be sued; and if any *cestuy que trust* hereafter shall die, leaving a trust in fee simple to descend to his heir, there and in every such case such trust shall be deemed and taken, and is hereby declared to be assets by descent, and the heir shall be liable to and chargeable with the obligation of his ancestors for and by reason of such assets, as fully and amply as he might or ought to have been, if the estate in law had descended to him in possession in like manner as the trust descended; any law, custom or usage to the contrary notwithstanding.

If *cestuy que trust* die leaving a trust in fee simple, such trust shall be deemed assets by descent.

Heir not chargeable out of his own estate by reason of an estate or trust made assets by this act; but such assets liable as at common law.

XI. *Provided always*, That no heir that shall become chargeable by reason of any estate or trust made assets in his hands by this law, shall by reason of any kind of plea or confession of the action, or suffering judgment by *nient dedire*, or any other matter, be chargeable to pay the condemnation out of his own estate; but execution shall be sued of the whole estate so made assets in his hands by descent; in whose hands soever it shall come after the writ purchased, in the same manner as it is to be at and by the common law, where the heir at law pleading a true plea, judgment is prayed against him thereupon, any thing in this present act contained, to the contrary notwithstanding.

X. And for the amendment of the law in the particulars following; *Be it further enacted*, that from henceforth any estate *pur auter vie*, shall be deviseable by a will in writing, signed by the party so devising the same, or by some other person in his presence and by his express directions, attested and subscribed in the presence of the devisor by three or more witnesses; and if no such devise thereof be made, the same shall be chargeable in the hands of the heir, if it shall come to him by reason of a special occupancy, as affects by descent, as in case of lands in fee simple; and in case there be no special occupant thereof, it shall go to the executors or administrators of the party that had the estate thereof, by virtue of the grant, and shall be affects in their hands.

Estate *pur auter vie*, deviseable by will; and if no devise, chargeable in the hands of the heir to whom it comes by special occupancy, if no special occupant, shall be affects in the hands of executors or administrators.

XI. *Be it enacted*, That any judge or officer of any of his Majesty's courts, that shall sign any judgments, shall at the signing of the same, set down the day of the month and year of his so doing, upon the paper, book, docket or record which he shall sign; which day of the month and year shall be also enter'd upon the margent of the roll of the record where the said judgment shall be entered.

Judge or officer of court signing judgments to set down the day of the month, &c.

XII. *And be it enacted*, That such judgments as against purchasers *bona fide* for valuable consideration of lands, tenements or hereditaments to be charged thereby, shall in consideration of law, be judgments only from such time as they shall be so signed, and shall not relate to the first day of the term whereof they are enter'd, or the day of the return of the original or filing the bail.

Such judgments as against *bona fide* purchasers to take effect from the time of signing.

XIII. *And be it further enacted*, That no writ of *feri facias* or other writ of execution shall bind the property of the goods against whom such writ of execution is sued forth, but from the time that such writ shall be delivered to the sheriff, under-sheriff or coroners, to be executed; and for the better manifestation of the said time, the sheriff, under-sheriff and coroners, their deputies and agents, shall upon the receipt of any such writ, (without fee for doing the same) endorse upon the back thereof the day of the month and year whereon he or they receive the same.

Writ of *feri facias*, not binding but from the time of delivery to the sheriff, such time to be indorsed on the same.

XIV. *And be it further enacted*, That no contract for the sale of any goods, wares and merchandizes, for the price of ten pounds sterling or upwards, shall be allowed to be good, except the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their agents thereunto lawfully authorized.

Contract for sale of goods &c. not good, unless part of the goods accepted and received by the buyer or some note in writing.

Recognizances not to bind lands &c. but from the time of enrolment.

XV. *And be it further enacted*, That the day of the month and year of the enroiment of the recognizances shall be set down in the margent of the roll where the said recognizances are enrolled, and that no recognizance shall bind any lands, tenements or hereditaments in the hands of any purchaser *bona fide* and for valuable consideration, but from the time of such enrolment, any law, usage or course of any court to the contrary notwithstanding.

CAP. XV.

An ACT for the regulating WEIGHTS and MEASURES.

I. *Be it enacted by the Governor, Council and Assembly,*

Weights and measures to be according to the standard of the exchequer.

Persons convicted of others forfeit five shillings for every offence to the use of the poor.

THAT there shall be one just beam or ballance, one certain weight and measure and one yard according to the standard of his Majesty's Exchequer in England, used throughout this province; and whosoever shall keep any other weight, measure or yard whereby any corn, grain or other thing is bought or sold, shall forfeit for every offence *five shillings*, being thereof convicted by the oath of one sufficient witness before any justice of the peace, to be levied by distress and sale of the offender's goods, to the use of the poor of the town or parish where such offence shall be committed.

Clerks of the market annually chosen by the towns or parishes to procure all weights and measures to be marked.

Clerks fees and penalty for neglect or refusal to assay, seal and mark such weights, &c.

II. And for the better observation of and putting in execution this act, *Be it further enacted*, that the clerks of the market to be annually appointed or chosen in the several towns or parishes in the respective counties in this province shall procure a set of weights and measures according to such standard and shall cause to be assayed, sealed and marked with the letters G. III. R. all weights and measures brought to him for that purpose, to be used in the respective towns and parishes for which they shall be so appointed or chosen, for each and every of which weights and measures so assayed, sealed and marked, the said clerk of the market shall have and take *one penny*, and if any clerk of the market shall neglect or refuse when thereunto required, to assay, seal and mark any weight or measure he shall forfeit for every offence *five pounds* on conviction by presentment or indictment at the quarter sessions, one moiety thereof to the prosecutor and the other moiety to the use of the poor of the town or parish where such offence shall be committed, to be levied by distress and sale of the offender's goods, and for default of such distress the offender to be imprisoned by warrant of the justices at such session till payment be made. *Saving always nevertheless*, unto the city of

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