

not delegate it to others ; nor have I found any instance of the appointment of a deputy to make replevins pursuant to this statute.



4 and 5 *Philip and Mary*.—A. D. 1557.

CHAP. 4. An act, that accessaries in murder and divers felonies shall not have the benefit of clergy.

This statute extended to the province equally with the others that have been noted on the same subject, as appears by several cases in the provincial court, but is not necessary to be now incorporated, &c. for the reasons heretofore assigned.

CHAP. 8. An act for the punishment of such as shall take away maidens that be inheritors, being within the age of 16 years, or that marry them without consent of their parents.

See the note on 3 Hen. 7, Ch. 2, but this statute appears to have been in force in the province, though there are but two cases of prosecutions under it ; the first, in 1659 was sent up from Calvert county, and was in the form of an action by W. B. against H. M. as follows : “ The complainant sueth the defendant in an action of felony, for stealing away Grace M. his daughter-in-law, who is under age ; the defendant denies that he stole her ; the said Grace confesseth in court that she did go willingly with him. Several depositions were produced, and the defendant craved a *nonsuit*, which was granted.

In the next case (in 1682) the indictment pursued with exactness the expressions in the statute. It charged that several persons above the age of fourteen, did take and carry away one S. B. of C. county, spinster, a maid or woman child, unmarried, within the age of 16 years, then and there having lands and tenements, goods and chattels of the value of 500*l* sterling, out of the possession, and against the will of N. S. who by lawful ways and means had the ordering and keeping, &c. of her the said S. B. against the peace and against the form of the statute, in this case made and provided. This indictment was returned “ *ignoramus*,” whether for want of proof, or for what cause, cannot be ascertained. This statute not having been repealed, may be said to remain in force in the state, but considering the few cases that have occurred under it, the nature of the offence, and the manners and customs of the inhabitants, it does not appear proper or necessary to be incorporated, &c. The punishment was imprisonment for two or five years, or fine by the star chamber.



5 *Elizabeth*.—A. D. 1562.

CHAP. 14. An act against forgers of false deeds and writings.

There was not before the revolution, any act of assembly respecting forgery as described in this statute, except as to the inspection notes for tobacco, and the impairing records or wills, although it was mentioned among the 36 laws proposed in 1638. This is an offence at common law, punishable by fine and imprisonment, and by corporal punishment, which is usually that of the pillory. There were several cases, commencing as early as 1669, of prosecutions at common law. There were also several under this statute.

In a trial for forging a deed in 1685, the indictment concluded against the form of the statute ; the sentence was, to stand in the pillory, to have the right ear cut off, and to be imprisoned one year. In