

words: "That shall be done with them that make false return, whereby right is deferred, as it is ordained in the second statute of *Westminster*, (13 Edw. 1, stat. 1, C. 39,) with like pain." This is merely in confirmation of the statute of 13 Edw. 1. See 2 Inst. 457.

13 Edward, 1 stat. 1 chap. 45, "The process of execution of things recorded within the year, or after." The *scire facias*, after the year and day, in *personal* actions, is given by this statute. For though it had been doubted by judges of great learning, yet the settled opinion seems to have been, that at common law, if after judgment given, or recognizance acknowledged, the plaintiff sued out no execution within the year, he was driven to his original upon the judgment.

12 Edw. 2, stat. 1, chap. 6. "An indenture shall be made between the Sheriff and Bailiff of Liberty, of every return."

That part only of this statute is in force, which obliges Sheriffs and other officers, to sign their name to the return of writs.

3 James 1, chap. 8, "An act to avoid unnecessary delays of execution." A writ of error shall be no *supersedeas*, unless sufficient surety entered, &c. So. 16 and 17 Charles 2, chap. 8, sect. 3.

12 James 1, chap. 24. "An act for the relief of creditors against such persons as die in execution."

It is enacted by this statute, that "The party or parties, at whose suit, or to whom any person shall stand charged in execution for any debt or damages recovered, his or their executors or administrators, may after the death of the said person so charged, and dying in execution, lawfully sue forth and have new execution against the lands and tenements, goods and chattels, or any of them, of the person so deceased, in such manner and form to all intents and purposes, as he or they or any of them might have had by the laws and statutes of this realm, if such person so deceased, had never been taken or charged in execution;" but the act does not extend to lands *bona fide* sold by the party in execution, after judgment.

By the second section of the act of 1705, (ante. chap. 132,) page 37, all and every person or persons to whom any lands, &c. shall hereafter be sold or delivered upon executions, shall hold and enjoy their respective parts in severalty, or as tenants in common, and not as joint-tenants.

The Sheriff is not intitled to poundage on a *ca. sa.* unless he receives and pays the money. 2 Binney, 137.

1705.

## CHAPTER CLV.

*An ACT for confirming the sales of lands by attornies or agents, and for ascertaining the proof of instruments or writings made out of this province.*

**WHEREAS** divers persons living out of this province, are and have been owners of lands within the same, and such persons have usually appointed attornies to sell and dispose thereof: to the end, therefore, that those who have so purchased, and their heirs or assigns, for ever hereafter, be secured in their titles and estates, *Be it enacted*, That all sales of lands, tenements and hereditaments, formerly made by any attornies or agents, who have been appointed such by any person or persons who had right so to do, and especially given them power or directions therein to sell or convey lands, are and shall be deemed and adjudged good and effectual in law, to all intents, constructions and purposes, whatsoever, as fully as if the said owners of such lands had, by their own deeds, bargains and sales, actually and really sold and conveyed the same; and all and singular the lands, tenements and hereditaments, sold and conveyed as aforesaid, shall be and remain to such purchasers respectively, their heirs and assigns, for ever, as they were or ought to have been to the owner or owners of such lands and premises, so employing his or their attornies or agents as aforesaid.

Sale of land formerly made by attornies, shall be effectual in law.

**II.** *And be it further enacted*, That all and every bonds, specialties, letters of attorney, and other powers in writing, which shall be

Bonds and letters of at-

1705. produced in any Court, or before any Magistrate, in this province, the execution whereof being proved by two or more of the witnesses thereunto, before any Mayor, or Chief Magistrate, or officer of the cities, towns or places, where such bonds, letters of attorney, or other writings, are or shall be made or executed, and accordingly certified under the common or public seal of the cities, towns or places, where the said bonds, letters of attorney, or other writings, are so proved respectively, shall be taken and adjudged as sufficient in law, as if the witnesses therein named had been present, and such certification shall be sufficient evidence to the court and jury for the proof thereof.

*Future sales of lands, &c. by power of attorney regulated.*  
 III. *And it is further enacted,* That all sales or conveyances of lands, tenements or hereditaments, which shall hereafter be made by virtue of any letters or powers of attorney or agency, duly executed, which do or shall expressly give power to sell lands or other estates, and be certified to have been proved as aforesaid, or shall be proved in this province before any Justice of the Peace, by one or more of the witnesses thereto, shall be good and effectual in law, to all intents, constructions and purposes whatsoever, as if the said constituent or constituents had by their own deeds, bargains and sales, actually and really sold and conveyed the same.

*Powers to be valid until notice of revocation.*  
 IV. *Provided always,* That no sale of lands, tenements and hereditaments, made by virtue of such power or powers of attorney or agency as aforesaid, shall be good and effectual, unless such sale be made and executed while such power is in force; and all such powers shall be accounted, deemed and taken, to be in force, until the attorney or agent shall have due notice of a countermand, revocation, or death of the constituent.

Passed in 1705.—Recorded A. vol. I. page 206.

## CHAPTER CLVIII.

### *An ACT to prevent the running of swine at large.*

*No swine to run at large without rings and yokes within fourteen miles of Delaware.*  
 WHEREAS the freeholders and owners of lands and plantations, within this province, have received great damage and spoil in their corn-fields, meadows and outlands, by swine running at large, without rings and yokes: For the prevention whereof for the future, *Be it enacted,* That from and after the first day of the twelfth month, called February, next ensuing the publication hereof, no swine shall be suffered to run at large, without rings and yokes, under the penalty of forfeiting half the value thereof, to the use hereafter expressed: Therefore if any person or persons shall find on his, her or their lands, within fourteen miles of the navigable parts of the river Delaware, any swine, hog or hogs, shoat or shoats, or pigs, without rings in their noses, sufficient to prevent their turning up the ground, and triangular or three cornered yokes or bows about their necks, and to extend at least six inches from the angular point or corner, sufficient to keep them from breaking through fence, it shall and may be lawful for him, her or them, all such swine, hogs, shoats or pigs, to kill and take, and drive and carry away, or to cause them to be killed, taken, driven or carried

*Rings and yokes described.*