In the act of 1721, Ch. 14, there are some directions respecting costs which are not very intelligible, and a great part of that act has been since altered.

There are also a variety of acts concerning costs in particular cases, but they do not interfere with this statute; which, from the long practice under it is proper to be incorporated (in substance) with our laws.

These remarks apply to the last part of the statute; the first part not having been applicable to the province. See the note on 9 Hen. 3, Ch. 12.

Chap. 5. Several tenants against whom an action of waste is maintainable.

The letter from S. Chase, which has been mentioned in the introduction, was written in answer to an enquiry whether the provision in this statute which gave treble damages in actions of waste against a tenant in dower, had been extended by any decision, or adopted by the practice of our courts. The reply was, that no decision was recollected, nor any action in which treble damages were given, but the inference to be drawn from the other expressions in the letter was, that it had been extended, which was the fact, according to what I have been able to discover. See Harris' Entries—Waste. The case in 1 vol. 700, was compromised, and in that in 1 vol. 702, the verdict was "not guilty." There is nothing to prevent its being considered as proper to be incorporated, unless the legislature should otherwise determine.

Chap. 7. A writ of entry in *casu proviso*, upon a woman's alienation of dower.

See 2 Bl. Com. 136 and 137. The general principle of this statute appears to have been applicable to the situation of tenants in dower, whose estates were regulated by the English law, although the form of action might be different from that herein mentioned.

The statute of Westminster 2, 13 *Edw.* 1, *Stat.* 1.—*A. D.* 1285.

Chap. 1. In gifts in tail, the donor's will shall be observed.—The form of a *formedon*. (Part.)

It would be useless to enter into any explanation of this statute, which is well known to have extended to the province.

The methods of barring estates tail by fine or by common recovery, have not been used since the passage of the act of 1773, and the act now in force, (November 1782, Ch. 23.) See the note on 52 Hen. 3, Ch. 29.

The 6th section of the act to direct descents declared, that nothing therein should affect the case of any entail made, created, or in being before the commencement thereof, &c. although by the 2d section, estates tail general, thereafter created, were to descend as other estates.

The testamentary law, (Ch. 1, S. 1,) excepts estates tail out of the description of real estates, subject to be transferred by will.

This statute is considered proper (as the laws now stand,) to be incorporated, &c. except as to the form of the *formedon*, which is not now in use; but in the statute of limitations, (21 Jac. 1, Ch. 16,) twenty years is the time of limitation in writs of *formedon*, which is also the limitation in actions of ejectment, the same statute declaring that no entry can be made unless within twenty years after the right accrues. This statute is mentioned in the letter from S. Chase, which has been referred to.