

23 *Hen. 8.—A. D. 1531.*

CHAP. 14. Process of outlawry to lie on actions on 5 Rich. 2, and in covenant and annuity. (Part.)

See the note on 25 Edw. 3, St. 5, Ch. 17.

CHAP. 15. An act, that the plaintiff, being nonsuited, shall yield damages to the defendants in actions personal, by the discretion of the justices.

It is under this statute that defendants prevailing in suits recover their costs. See 3 Bl. Com. 399; and 1 Bac. Abt. title Costs, D. There are several acts of assembly respecting costs, but none that interfere with this statute, which is therefore considered proper to be introduced, &c.

24 *Hen. 8.—A. D. 1532.*

CHAP. 8. An act where defendants shall not recover costs.

See 3 Bl. Com. 400. This statute was probably in force in the province, on the ground of the proprietors having the same privileges in suits as the king in England, although I have not met with any instances of suits by persons for the use of the proprietor, nor are such suits now usually brought for the use of the state. But as it is competent for the state to have such suits brought, it is proper that this statute should be incorporated, &c.

See the act of 1799, Ch. 79, Sec. 7 and 8; the latter of which provides, that in no case shall the state be liable to costs in which it is not at present liable. This relates in strictness to suits against the state; but it recognises a general rule as to costs in respect to the state, and such rule had not been made by any act of assembly.

27 *Hen. 8.—A. D. 1535.*

CHAP. 10. An act concerning uses and wills. (Part.)

See 2 Bl. Com. 332. This statute, generally called the statute of uses, has always been in force in the province, and remained so in the state as to those parts concerning uses dower and jointure. As to the two latter, see Harris and M'Henry's Reports, p. 568. The parts from the 1st to the 10th sections, (both inclusive,) appear proper to be incorporated, &c. and the 14th section also. The 11th, 12th, 13th, 15th, 16th 17th and 18th, are considered as not proper to be so. The 11th section related to wills made before that time.

31 *Hen. 8.—A. D. 1539.*

CHAP. 1. For joint tenants, and tenants in common.

This statute, by which joint tenants and tenants in common are compellable to make partition, is known to have extended to the province, and to remain in force in the state. The remedy is ex-