

14 Elizabeth.—A. D. 1572.

CHAP. 9. An act declaring that the tenant and defendant may have a *tales de circumstantibus*, as well as the demandant or plaintiff.

See the note on 35 Hen. 8, Ch. 6. The last part gave to the defendant in popular actions, a *tales*.

18 Elizabeth.—A. D. 1576.

CHAP. 5. An act to redress disorders in common informers. (Part.)

There is reason to believe that some parts of this statute were considered applicable to the circumstances of the people of the province, although the whole might not have been so. By recurring to the acts of assembly, it will appear that as early as 1704, fines were imposed, one half to the government, and the other half to him or them that should inform or sue for the same, to be recovered by action of debt, bill plaint or information, most of which acts are still in force.

It is to be observed, also, that informations were in frequent use in the early periods of the settlement, although they are not so at present; the mode of recovery being either by action of debt (*qui tam*) or by indictment. The word "bill," though intended in England as a *bill of Middlesex*, was supposed to intend here a bill of indictment, which expression was actually used in one of the acts. The general court determined otherwise in a case brought before them about the year 1791, in consequence of which it was declared by the act of November 1792, Ch. 20, that persons offending against the said acts, might be prosecuted by bill of indictment or action of debt, and not by bill plaint or information. The recovery by plaint, which in England is a private memorial tendered in open court to the judge, has not been used in the province. There is nothing to shew that this statute, as far as it has been applicable, should not remain in force, but it would seem necessary that some special provisions should be made in incorporating it with our laws.

CHAP. 14. An act for reformation of *jeofails*. (Part.)

See the note on 14 Edw. 3, Ch. 6; but the 3d section, as to the warrants to attornies was not extended.

27 Elizabeth.—A. D. 1585.

CHAP. 4. An act against covinous and fraudulent conveyances. (Part.)

See the note on 13 Eliz. Ch. 5, but the 7th, 8th, 9th and 10th sections relating to statutes merchant, and the 12th respecting the jurisdiction of the star chamber, are not proper to be incorporated, &c.

CHAP. 5. An act for furtherance of justice in case of demurrer and pleadings.

See the notes on 14 Edw. 3, Ch. 6, and 4 Anne, Ch. 16.

31 Elizabeth.—A. D. 1589.

CHAP. 5. An act concerning informers.

See the note on 18 Eliz. Ch. 5.