

tion between him and the defendant. Nor, said Littledale J., could the avowry be good under the two Statutes taken together, for then a defendant in replevin might, in his pleading, leave out both landlord and tenant. One or other of these two Statutes dispensing with the requirements of the common law must be followed. The question was not decided whether it was a proper averment that "a person unknown, &c.," held the premises. But it was argued that the Statute was confined to manorial rents, services, &c., and did not extend to ordinary cases between landlord and tenant. It will be observed that the Statute leaves the necessity of shewing the landlord's title specifically as at common law.

As to the third section, see 7 H. 8, c. 4.<sup>1</sup> In *Dyer*, 141 b, it was held that on a nonsuit in replevin for *damage feasant* the avowant shall have his costs and damages. In *Da Costa v. Clarke*, 2 B. & P. 376, where an avowant in replevin, after trial and verdict for the plaintiff, obtained judgment *non obstante veredicto* in consequence of the plaintiff's pleas in bar being bad, it was determined that he was not entitled to any costs upon the pleadings subsequent to the pleas in bar, because he should have demurred to them.

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<sup>1</sup> See also *Poe's Practice*, secs. 444, 454 *et seq.*

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## STATUTES

Made at WESTMINSTER, Anno 23 HEN. VIII. and A. D. 1531.

## CAP. XIV.

An Account of Trespass upon the Statute of 5 R. 2, to some Process of Outlawry.

Forasmuch as there is great Delay in Actions of Trespass brought upon the Statute of *Richard* the Second, made in the fifth Year of his Reign, against them that make Entries into any Lands or Tenements where there Entry is not given by the Law, and also in Actions of Annuity, and Actions of Covenant, because there lieth no Process of Outlawry in such nature of Actions: (2) For Reformation whereof, it may please the King's Highness, by the Advice of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority of the same, to ordain and enact, That like Process be had hereafter in every Action from henceforth to be brought upon the said Statute of *Anno quinto*,