

These actions were also known as *qui tam* actions because they were instituted by a person "*qui tam pro domino rege quam pro seipso sequitur.*"

Less widely used were remedial statutes providing for "actions upon a statute" in which the right to sue was limited to the injured or aggrieved party or parties (as opposed to the popular action given to whomsoever would sue). In some of these cases the recovery went in part to the crown, in part to the injured party suing (*qui tam* actions); in others, the entire penalty, forfeiture or damages (sometimes double or treble) went to such suing party.

A few statutes authorized, in specific circumstances, the bringing of actions of debt in both the Provincial and county courts by public creditors or by the treasurers of the province.<sup>13</sup>

A number of the laws providing for popular actions were in the nature of economic regulations. Some concerned primarily with trade provided penalties for engrossing of imported commodities by persons trading with the province; for the charging of excessive tolls for grinding corn or wheat; for the exportation or attempted exportation from the province of wool or old iron or certain hides and skins; for placing on board vessel for export certain skins or furs, beef or pork without paying the duties imposed thereon or undried beef or pork not in cask (or receiving such meat on board without the requisite certificate of the naval officer); for exportation (by a non-inhabitant) of any merchandise of European origin without payment of duty; and for importation into the province, except in certain vessels, of liquors without payment of duties. Dumping by vessels of ballast in harbors or streams was subject to penalty, as was the failure of a naval officer or collector to post a copy of the law prohibiting such dumping.<sup>14</sup>

Others, concerned with tobacco raising, the principal industry of the province, provided forfeitures for the failure of plantation owners to build proper tobacco storage houses; for the use of unseasoned timber in tobacco hogsheads; for false marking of such hogsheads; for failing to complete orders for tobacco hogsheads by certain dates; and for refusing or neglecting to have stilliards used in receiving tobacco and certain measures tried and stamped each year as meeting the standards of English weights and measures. A 1692 law penalized the lending of money, wares, merchandize or commodities at usurious rates of interest.<sup>15</sup>

Several acts were concerned with the regulation of slaves or servants. They authorized penalties for the importation of convicted felons or malefactors into the province; for the importation of white servants or negro slaves without payment of certain head taxes; for trading or bartering with any servant who had taken his master's goods; for marrying or permitting a free-born English or white female servant to marry a negro or slave; and for harboring servants who had unlawfully absented themselves. Two acts established penalties for selling liquors or certain meats to Indians.<sup>16</sup>

Acts regulating the conduct of ordinaries prohibited the keeping of an ordinary without the requisite license and the charging by an ordinary keeper of prices for liquors in excess of the rates fixed by the justices of the county court or of prices for beer, lodging or fodder in excess of those fixed by statute. They required the posting of the prices of liquor so established and the providing of sufficient beds

13. 38 MA 49, 82; 22 id. 479, 504.

14. 13 id. 544; 38 id. 31; 13 id. 496; 19 id. 276; 38 id. 66; 38 id. 9, 63; 13 id. 487.

15. 13 id. 469 (cf. 22 id. 516, a 1699 act, where no penalty was provided); 19 id. 104; 13 id. 491, 540.

16. 13 id. 539; 38 id. 80; 22 id. 497; 13 id. 451; 22 id. 546; 13 id. 546; 13 id. 541; 22 id. 546; 13 id. 479; 22 id. 463, 511; 38 id. 15.