

defendant neglect or refuse to answer or plead, to render judgment for the plaintiff, with costs, unless sufficient cause be shewn for an imparlance.—1763, c. 23, § 4.

4. On discontinuance of action by default of the plaintiff, the courts may award him to pay costs, but if by default of the defendant, to give judgment for the plaintiff: and on discontinuance of action thro' default of attorney's negligence, such attorney so neglecting, to the prejudice of his client, shall forfeit in the provincial court 500lb. tobacco, and in a county court, 2000lb. tobacco, with all costs: one half to the party grieved, the other half for the use of the county school, 1721, c. 14, § 1.

5. Constables fees are leviabie by execution on the complainant, and shall be allowed to the party recovering, in his costs.—1715, c. 15, § 7.

6. Any creditor refusing a tender of hemp and flax for one fourth part of the debt due, and afterwards suing the debtor, shall be non suit and pay costs to the defendant.—1706, c. 11, § 3.

7. If a verdict shall pass against any person for unlading or casting out any ballast in harbors, or judgment by confession, or by default, be rendered against him, the plaintiff or informer shall recover full costs. 1774, c. 18, § 3.

8. All costs recovered by judgment, or decree, shall hereafter be payable and paid in money.—Nov. 1779, c. 25, § 15.

9. In all cases of appeals, or writs of error, hereafter brought or prosecuted by any defendant or person grieved by any judgment, and the judgment of the inferior court, upon the merits of the question between the parties and not upon the form of proceeding, be reversed the court reversing such judgment shall award costs incurred by the defendant, or person grieved by such judgment, both in the superior or inferior courts, to be paid by the plaintiff or person against whom such writ of error and appeal shall be prosecuted, and judgment shall be entered in the court determining such appeal or writ of error, for the costs aforesaid, and execution may issue for the same from such court.—1785, c. 80, § 6.

10. When any action shall be brought, and it shall be entered upon the record that such suit is brought for the use of any other person or persons, and the plaintiff or plaintiffs in such action shall discontinue or strike off his, her or their said action, or be nonsuit thereon, or in case there shall be a judgment or verdict in favor of the defendant or defendants, the party or parties for whose use the action was instituted, shall be answerable for the legal costs of suit, and may be proceeded against by attachment, against the person or property of such party or parties for the recovery of the same, in the same manner as if he, she or they, had