

## COSTS.

judge, on consideration of the circumstances of the case. 1786, ch. 22, § 3.

Such costs and expences, on complaints against the officers of government, shall be paid by either party, or by the public, as the governor and council shall adjudge. *Ibid.*

The governor and council may compel payment in the like manner as the general court. *Ibid.*

Directions respecting costs in suits by citizens against the state. *Ibid.* ch. 53.

If the grounds alleged for continuance of a cause are overruled, the trial shall proceed, or the cause be discontinued, with costs to the party requiring no delay. November, 1787, ch. 9, § 2.

Surveyors to pay the costs of the term on neglecting to return plots in ejections, where, for want thereof, the causes are continued. *Ibid.* § 4.

Directions respecting costs in actions for battery or assault on officers in the lawful execution of their office, or on those assisting them. *Ibid.* ch. 39.

Respecting costs in actions of replevin for property taken for public taxes. 1790, ch. 53, § 4.

The sums paid for seals, decrees, &c. in the chancery and land-offices, to be taxed and paid as other costs. November, 1792, ch. 76, § 3, 4.

On verdict for defendant, or nonsuit, in actions for any thing done under the militia law, treble costs allowed. 1793, ch. 53, § 25.

On suits on administration, testamentary, inspectors, collectors or sheriffs bonds, the clerk shall, before issuing the writ, endorse thereon the names of the parties at whose instance and for whose use the suit was instituted, who, in case of *non pros*, verdict, &c. shall be answerable for costs. 1794, ch. 54, § 10.

Such persons to be proceeded against by attachment as if they had been entered security for costs. *Ibid.*

The judge of the land-office on the eastern shore empowered to compel the payment of costs on the determination of a caveat. 1795, ch. 61, § 12.

In suits hereafter brought by nonresidents of the state, or by persons who afterwards remove out of the state, the defendant may lay a rule, (at or before the trial court,) on the plaintiff or his attorney, to give security for all costs and charges, &c. and on failure, judgment of nonsuit may be entered. 1796, ch. 43, § 12.

If the rule is laid at the trial court, the cause may, on motion of the plaintiff, be continued till the next term. *Ibid.*

In actions entered on the record for the use of another person, if the plaintiff discontinues or strikes off his action, or is nonsuit, or there shall be a judgment or verdict in favour of the defendant, the party for whose use the action was brought shall be answerable for the legal costs, to be recovered by attachment as if he had been entered security. *Ibid.* § 13.

On an arrest by *capias ad respondendum* contrary to this act, the plaintiff shall be nonsuit, and pay the defendant costs, to be adjudged by the court. *Ibid.* § 15.

The taxes paid on suits in the county courts to be allowed in the costs of suit. 1797, ch. 69.

On petitions for freedom thereafter instituted, where they shall be dismissed, or on trial judgment be rendered against the petitioners, the attorney shall pay all legal costs, unless the court shall be of opinion, under all circumstances, that there was probable ground to suppose the petitioner had a right to freedom. 1796, ch. 67, § 25.

In cases then depending, except on appeal, where others by the same parties had been dismissed, proceedings to be staid by the court till the costs of such former petitions, and all reasonable expences, were paid. *Ibid.*

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If not paid within six months, the defendants to be discharged from their recognizances, and the petitions dismissed. *Ibid.* § 26.

On a petition thereafter filed being dismissed, and a second petition filed, proceedings to be staid till the costs of the former petition, and all reasonable damages, &c. shall be paid or secured. *Ibid.* § 27.

In suits for any thing done under the act for the valuation of property, the defendant, on a nonsuit, verdict, &c. against the plaintiff, may recover treble costs. 1797, ch. 89, § 29.

The chancellor shall have power, as in the court of chancery, at his discretion, to award costs to the party prevailing, on the decision of any caveat in the land-office. *Ibid.* ch. 114, § 8.

Directions respecting costs in the orphans courts, where letters of administration are revoked. 1798, No. 101, ch. 5, § 4.

Executors and administrators bringing suits shall be entitled to, or be answerable for, costs, in the same manner as the deceased would have been. *Ibid.* ch. 8, § 5.

How to be allowed for costs in the settlement of their accounts. *Ibid.*

How to be allowed for costs laid out in the recovery or security of any part of the estate. *Ibid.* ch. 10, § 2.

Double costs to be recovered in the action therein given to an executor or administrator against his security, after delivery of the estate to him. *Ibid.* ch. 14, § 11.

The orphans courts may award costs to the party entitled thereto, and compel payment by attachment, &c. *Ibid.* ch. 15, § 17.

The state not to pay costs in the suits in chancery therein allowed, unless by direction of the chancellor as therein mentioned. 1799, ch. 79, § 7, 8.

Directions respecting costs in criminal cases. November, 1781, ch. 11, 1793, ch. 57, § 19.

## COUNCIL.

Manner of choosing the council to the governor. Const. 26. The council may appoint their own clerk. *Ibid.*

The first named of the council shall, on the death, resignation, &c. of the governor, act as governor, and call a meeting of the general assembly. *Ibid.* 32.

The governor shall not command in person the forces under the laws of this state, unless advised thereto by the council; and then only so long as they shall approve thereof. *Ibid.* 23.

The first named of the council shall preside in the absence of the governor, and as such shall vote in all cases where the other members disagree in their opinion. *Ibid.* 34.

Vacancies in the council to be filled by the remaining members. *Ibid.* 35.

The council shall have power to make the great seal of this state. *Ibid.* 36.

No member of the council, if he shall qualify as such, shall hold or execute any office of profit, or receive the profits of any office exercised by any other person, during the time for which he shall be elected. *Ibid.* 37.

Every member of the council, before he acts as such, shall take an oath, that he will not receive, directly or indirectly, at any time, any part of the profits of any office held by any other person during his acting in his office, or the profits, or any part of the profits, arising on any agency for the supply of cloathing or provisions for the army or navy. *Ibid.* 38.

Punishment for their so holding or executing such office. *Ibid.* 39.

Every member of the council, before he acts as such, shall take an oath, that he will not, through favour, affection or partiality, vote for any person to office, and that he will vote for such person as in his judgment and conscience he believes most fit