

by final judgment is given; this shall not defeat the estate of *B.* who may bring a writ of disceit, and shall be restored to his land. *Roll. Abr.* 631.

If a man that has a right to certain lands, by *covin* causes another to oust the tenant of the land, to the intent to recover it from him, and he recovers accordingly against him by action tried; yet he shall not be remitted to his ancient right; but is in of the estate of him who made the ouster; and an assise lies against him. *2 Davv. Abr.* 309. Land is aliened, pending a writ of debt, by *covin*, to avoid the extent thereof for the debt; the land so aliened shall be extended, when the *covin* appears upon the return of the *elegit* by the sheriff. *Ibid.* 311. If a man makes a deed of gift, &c. of his goods in his life-time by *covin*, to oust his creditors of their debts, after his death the donee or vendee shall be charged for them. See the several statutes of *Frauds*. If goods are sold in market overt by *covin*, on purpose to bar him that hath right, this shall not bar him thereof. *3 Inst.* 713. See tit. *Frauds, &c.*

COUNCIL. In the city of *London*, there are *common councilmen* chosen in every ward at a court of wardmote held by the aldermen of the respective wards on *St. Thomas's* day, yearly. They are to be chosen out of the most sufficient men, and sworn to give true *counsel* for the common profit of the city, &c. *Lex Londinens.* 117. In the court of *common council* are made laws for advancement of trade; and committees yearly appointed, &c. But acts made by them are to have the assent of the Lord Mayor and Aldermen, by stat. 21 *Geo. I. c. 11.* See this *Dictionary*, tit. *London.*

COUNSELLOR, consiliarius.] A person retained by a client to plead his cause in a court of judicature; a barrister. See tit. *Barrister*. To what is there noticed may be added, that by stat. 5 *Eliz. c. 14.* counsellors shall not be punished for showing a false deed in evidence. No recusant convict, or nonconformist shall practise the law as a *counsellor*, or otherwise, under penalties. See stat. 3 *Jac. I. c. 5.* 7 *Wm. III. c. 24.* 13 & 14 *Wm. III. c. 6.* 1 *Geo. I. c. 13.* See tit. *Oaths, Nonconformists.*

COUNSEL, for prisoners. See tit. *Trial*, and 4 *Comm.* 355.

COUNT, The original declaration of complaint in a real action. As declaration is applied to personal, so *count* is applicable to real causes: but *count* and declaration are oftentimes confounded, and made to signify the same thing. *Fitz. N. B.* 16. 60. In passing a recovery at the common pleas bar, a serjeant at law counts upon the *franchise, &c.* See tit. *Counters, Declarations, Pleading.*

COUNTEE, Fr. Comte.] The most eminent dignity of a subject, before the conquest; and those who in ancient times were created *countees*, were men of great estate; for which reason, and because the law intends that they assist the king with their counsel for the public good and preserve the realm by their valour, they had great privileges; as they might not be arrested for debt or trespass; or be put on juries, &c. Of old the *countee* was *prefectus* or *prepositus comitatus*, and had the charge and custody of the *county*; but this authority the *sheriff* now hath. 9 *Rep.*