tion of their office, made in the seventh year of his majesty's most happy reign. (Part.)

See the note on 7 James 1, Ch. 5; but the part respecting the county in which the suits are to be brought, and respecting the double costs are thought not to have extended to the province.

CHAP. 13. An act for the further reformation of jeofails.

See the notes on 32 Hen. 8, Ch. 30; and 18 Eliz. Ch. 14; and see 1 Bac. Abt. title Amendment and Jeofail, B.

CHAP. 15. An act to enable judges and justices of the peace to give restitution of possession in certain cases. (Part.)

See the note on 5 Rich. 2, St. 1, Ch. 8. This statute is proper to be incorporated, &c. as to tenants for term of years.

CHAP. 16. An act for limitation of actions, and for avoiding suits in law. (Part.)

As to the first section of this statute, or that part of it which declares, that no person shall make an entry into lands, &c. but within twenty years after his right and title shall first accrue, there can be no doubt of its having been practised under in the province, and of its remaining in force in the state. See the note on 5 Rich. 2, St. 1, Ch. 8; and 3 Bl. Com. 175 and 179. The time at which it was adopted by the courts, appears to be uncertain. In the case of Drane and Hodges, (Harris and M'Henry's Reports 518,) it was argued by one of the counsel, (T. Johnson,) that this statute was enacted before the charter of Maryland was granted, and therefore was a part of the law of this country; which, however, must be understood with a reservation of the power of the courts, to judge of its consistency with the good of the province, as is expressed in some of the early acts, and of its applicability and extention. In the case of P. Lloyd's lessee against Hemsley, reported in the same book, (p. 28,) there is some ambiguity in the special verdict, and it does not clearly establish that the statute had not before extended. In the case of Lee's lessee against Bladen, (p. 30,) this part of the statute was pleaded, and on a general demurrer thereto, judgment was given for the plaintiff. But the case of Miller's lessee against Hynson, (p. 84,) which was in the year 1730, shews that the statute was then considered in force. See also the case of Brent and Tucker, which was in 1737, (p. 89,) and Tucker's lessee against Whittington, (p. 150.) The opinion of the proprietor was against the adoption of this statute, as had been that of his ancestor against any of the English statutes.

In 1723, the following instructions were sent to the governor: "You will herewith receive my dissent to an act of limitation of actions of trespass and ejectment, to be published and entered on record according to your forms, which act is not only explanatory of an English statute not in force in our province, but seems, by implication, to introduce English statutes to operate there, which statutes have been always held not to extend to the plantations unless by express words, &c."

The acts of assembly respecting limitations, commenced in 1663-4, the 25th chapter of which was entitled, "An act for land five years in possession." The acts of 1669, Ch. 2, and 1692, Ch. 35, contained provisions as to actions of trespass, debt, &c. similar to these of 1715, Ch. 23, and were silent as to the time limited in this statute respecting the right of entry. The act of 1695, Ch. 3, related to bonds. It will be observed, that the 2d section of the act of 1715, has nearly the same expressions as the 3d section of this statute, only altering the times of limitation in some cases from 6 years to 3, and in others from 4 years to 1, which was considered by the counsel in the case of Drane and Hodges, before mentioned, as an abridgement of the time limited by this statute.