

damages, if less than the arrears of rent; or if more, then so much as shall be equal to such arrear. See 3 Bl. Com. 150, Espinasse 376 and 377; and Buller's N. P. 57 and 58. See also 2 Harris' Entries 135.

CHAP. 8. An act for avoiding unnecessary suits and delays.

This statute has been practised under in the province, and in the state. As to the first part declaring, that the death of either party between the verdict and the judgment, shall not be alleged for error, so as such judgment be entered within two terms after the verdict. See 1 Bac. Abt. title Abatement, B. This provision does not appear to be affected by the act of 1785, Ch. 80, "to alter and amend the law in certain cases;" for although it says that no action in any court of law shall abate by the death of either of the parties, it provides only for cases where the action by such death would have abated. The 2d section has also been in force in the province, and remains so; this case not being expressly provided for in the testamentary system, which (in Ch. 8, S. 5,) gives to executors and administrators power to commence and prosecute any personal action, which the testator or intestate might have commenced, but says nothing as to judgments obtained in the names of former executors or administrators. See 2d Vernon, case 220, in which the statute 30 Charles 2, which revived and continued this, was referred to by the court on an objection to the want of privity by the administrator *de bonis non*, to the administrator who had obtained a decree. This statute is mentioned in the letter from S. Chase, which has been referred to

19 Charles 2.—A. D. 1667.

CHAP. 6. An act for redress of inconveniences by want of proof of the deceases of persons beyond the seas, or absenting themselves, upon whose lives estates do depend. (Part.)

Although I have not met with any proceeding from which the extension of this statute could be ascertained, it seems reasonable to conclude that the 2d and 5th sections were in force. The challenge given by the 3d section to the reversioner, I have not heard of any instance of the use of in the province, or the state, but it appears equally reasonable.

22 and 23 Charles 2.—A. D. 1670.

CHAP. 20. An act for the relief and release of poor prisoners for debt. (Part.)

The 13th section of this statute, (supposing the others not to have been in force,) appears to have been applicable to the situation of the province, to prevent the confinement of felons and debtors in the same apartment. See the act of 1801, Ch. 80, as to the gaol in Baltimore county.

29 Charles 2.—A. D. 1676.

CHAP. 3. An act for prevention of frauds and perjuries. (Part.)

This is generally termed the statute of frauds, or of frauds and perjuries. There can be no doubt of its having been adopted in the province, and continued in practice in the state, although according