

What is waste.⁵—In actions of this kind, and this distinguishes them from the old action of waste, it is a question for the jury whether waste has or has not been committed, see *Doe v. Bond*, 5 B. & C. 855, and no act is considered waste which is not injurious to the inheritance, either by diminishing the value of the estate, or by increasing the burthen upon it, or by impairing the evidence of title, (as to which see *Young v. Spencer*, 10 B. & C. 145,) and the amount and fact of damage in all these respects are for the jury. If it be small, the consequences of waste do not attach, *Doe v. Earl Burlington*, 5 B. & Ad. 507; *Huntley v. Russell*, 13 Q. B. 588.

permitted the buildings on the land to fall into a state of dilapidation." *In re Cartwright* is followed in the case of *In re Parry*, (1900) 1 Ch. 160, which applies the same doctrine in favor of a tenant for life of leaseholds, even though the lease contains covenants by the lessee to keep the premises in good repair and to deliver them up in good repair at the end of the term.

No distinction seems to be drawn in any one of the above cases between tenants for life and tenants for years and none is apparent in principle.

In Maryland it would seem that under the case of *White v. Wagner*, *supra*, an action for permissive waste would lie against a tenant either for life or years, but note the dictum of McSherry, C. J., in *Gluck v. Baltimore*, 81 Md. 315, 326: "Now, the common law has always thrown the burden of repairs upon the tenant, though it imposes no obligation on him to make them unless he covenants to do so;" citing *Taylor on Landlord & Tenant*, sec. 327, which does not support the latter part of the statement. The dictum is repeated in *Kirby v. Wylie*, 108 Md. 501, 512.

⁵ See note on this subject to 52 H. 3 c. 23 s. 2.

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A Writ of Entry *in casu proviso*, upon a Woman's Alienation of Dower.

Also if a Woman sell or give in Fee, or for Term of Life, the Land that she holdeth in Dower; it is ordained, that the Heir, or other to whom the Land ought to revert after the Death of such Woman, shall have present Recovery to demand the Land by a Writ of Entry made thereof in the Chancery.

Ensement si feme vende, ou done en fee, ou a terme de vie tenement que el tient en dower: Establie est, que le heire, ou auter, a que la terre devoit reverter apres le decease la feme, eit maintenant son recoverie per briefe dentre, fait de ceo en la chauncerie.