

*In case of nonsuit after issue joined:*

Under Stat. 17 Car. 2,	{	same as in case of verdict; the jury who were impanelled, find, &c.
At common law,	{	same as in demurrer; but goods not irreplevisable.

\*Although the term "full costs" is used in the Statute, these words **495** have been held to mean only ordinary costs, and consequently, under it, the defendant is not entitled to the costs of making the distress, as costs, the Court saying that, under this Act, there is no power to indemnify the defendants against the costs of making the distress. They did not become costs until the passage of the Act of 11 Geo. 2, c. 19, sec. 22; *Jamieson v. Trevelyan*, 10 Exch. 748.

It has been said above that the Statute is confined to rents. Therefore a distress for a *penalty* under a demise is not within the Statute; *aliter*, if the defendant had avowed for a penal or additional rent, *Pollitt v. Forrest*, 11 Q. B. 949.

## CAP. VIII.

### An Act for avoiding unnecessary Suits and Delays.

For the Avoiding of unnecessary Suits and Delays, Be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by Authority of the same, That in all Actions Personal and Real, or Mixt, the Death of either Party between the Verdict and the Judgment, shall not hereafter be alledged for Error; so as such Judgment be entred within two Terms after such Verdict.

II. And be it further enacted by the Authority aforesaid, where any Judgment after a Verdict shall be had, by or in the Name of any Executor or Administrator; in such Case an Administrator *de bonis non* may sue forth a *Scire facias*, and take Execution upon such Judgment.

III. This Act to continue for the Space of five Years; and from thence to the End of the next Session of Parliament. *Made perpetual by 1 Jac. 2, cap. 17, sect. 5.*

I. Death of either Party between the Verdict and Judgment.

II. Judgment obtained by an Executor. *Yelv. 133. 1 Salk. 323.*

III. The Continuance of this Act.