

within one year after the death of such person; and the damages when recovered, shall be part of the Personal Estate of such person; and further, that an action of Trespass, or Trespass on the Case, as the case may be, may be maintained against the Executors or Administrators of any person deceased, for anything committed by him in his lifetime to another, in respect of his property, Real or Personal, so as such injury shall have been committed within six months before such person's death, and so as such action shall be brought within six months after such Executors or Administrators shall have taken upon themselves the Administration of the Estate and effects of such person, and the damages recovered in such Action shall be payable in like order of Administration, as the simple contract debts of such person.

II. *And be it enacted*, That an action of Debt on simple contract, shall be maintainable at Common Law against any Executor or Administrator.

Debt on simple contract against Exrs. or Admsrs.

III. *And be it enacted*, That it shall be lawful for the Executors or Administrators of any Lessor or Landlord, to distrain upon the Lands demised for any term, or at will for the arrearages of rent due to such Lessor or Landlord in his lifetime in like manner as such Lessor or Landlord might have done in his lifetime, and that such arrearages may be distrained for, after the end or determination of such term or lease at will, in the same manner as if such term or lease had not been ended or determined: *Provided* that such Distress be made within the space of six months after the determination of such term or lease, and during the continuance of the possession of the tenant from whom such arrears became due: *Provided also*, that all and every the powers and provisions in the several Statutes made, relating to Distresses for rent, shall be applicable to the Distresses so made, as aforesaid.

Executors or Administrators may distrain for Rent due.

Proviso.

IV. *And be it enacted*, That no Plea in Abatement for the non-joinder of any person as a co-defendant, shall be allowed at Common Law, unless it shall be stated in such plea that such person is resident within the jurisdiction of the Court, and unless the place of residence of such person shall be stated with convenient certainty, in an affidavit verifying such plea.

Plea in Abatement.

V. *And be it enacted*, That to any Plea in Abatement of the non-joinder of another person, the Plaintiff may reply that such person has been discharged by bankruptcy and certificate, or under an Act for the relief of Insolvent Debtors.

Replication.

VI. *And be it enacted*, That in all cases in which after such Plea in Abatement the Plaintiff shall, without having proceeded to trial, upon an issue thereon, commence another action against the Defendant or Defendants in the action in which such plea in abatement shall have been pleaded and the person or persons named in such plea in abatement as joint contractors, if it shall appear by the pleadings in such subsequent action, or on the evidence at the trial thereof, that all the original Defendants are liable, but that one or more of the persons named in such plea in abatement, or any subsequent plea in abatement, are not liable as a contracting party or parties; the Plaintiff shall, nevertheless, be entitled to judgment, or to a verdict and judgment, as the case may be, against the other Defendant or Defendants, who shall appear to be liable; and every Defendant who is not so liable shall have judgment, and shall be entitled to his costs, as against the Plaintiff, who shall be allowed the same as costs in the cause against the Defendant or Defendants, who shall have so pleaded in abatement the non-joinder of such person: *Provided* that any such Defendant who shall have so pleaded in abatement, shall be at liberty on the trial to adduce evidence of the liability of the Defendants named by him in such plea in abatement.

Judgment in second Action after Plea in abatement, and Costs.

And Whereas unnecessary delay and expenses are sometimes occasioned by the trial of local actions in the County where the cause of action has arisen:

VII. *Be it therefore enacted*, That in any action hereafter to be commenced in the Supreme Court, the venue in which is by law local, the said Court, or any Judge thereof, may on the application of either party, order the issue to be tried or Writ of Inquiry

Venue in local Actions may be changed.