

LIMITATION OF ACTION.

21 Ja. I., c. 16.

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The Statute of Limitations.

AN ACT for Limitation of Actions, and for Avoiding of Suits
in Law.

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3. All actions of trespass *quare clausum fregit*, all actions of trespass, detinue, action sur trover, and replevin for taking away of goods and cattle, all actions of account and upon the case

Limitation of certain personal actions.

(other than such accounts as concern the trade of merchandise between merchant and merchant, their factors or servants), all actions of debt grounded upon any lending or contract without speciality, all actions of debt for arrearages of rent, and all actions of assault, menace, battery, wounding, and imprisonment, or any of them, which shall be sued or brought at any time, . . . shall be commenced and sued within the time and limitation hereafter expressed, and not after, that is to say, —

The said actions upon the case (other than for slander), and the said actions for account, and the said actions for trespass, debt, detinue, and replevin for goods or cattle, and the said action of trespass *quare clausum fregit*, within . . . six years next after the cause of such actions or suit, and not after ;

And the said actions of trespass, of assault, battery, wounding, imprisonment, or any of them, within . . . four years next after the cause of such actions or suit, and not after ;

And the said action upon the case for words, within . . . two years next after the words spoken, and not after.

Their limitation after judgment or outlawry reversed.

4. And nevertheless, if in any the said actions or suits judgment be given for the plaintiff, and the same be reversed by error, or a verdict pass for the plaintiff, and upon matter alleged in arrest of judgment the judgment be given against the plaintiff that he take nothing by his plaint, writ, or bill ;

Or if any the said actions shall be brought by original, and the defendant therein be outlawed, and shall after reverse the outlawry ;

In all such cases the party plaintiff, his heirs, executors, or administrators, as the case shall require, may commence a new action or suit from time to time within a year after such judgment reversed, or such judgment given against the plaintiff, or outlawry reversed, and not after.

After a judgment or nonsuit in a *quare clausum fregit*, plaintiff is barred to renew the suit after disclaimer, &c.

5. In all actions of trespass *quare clausum fregit* hereafter to be brought wherein the defendant or defendants shall disclaim in his or their plea to make any title or claim to the land in which the trespass is by the declaration supposed to be done, and the trespass be by negligence or involuntary, the defendant or defendants shall be admitted to plead a disclaimer, and that the trespass was by negligence or involuntary, and a tender or offer of sufficient amends for such trespass before the action brought, whereupon or upon some of them the plaintiff or plaintiffs shall be enforced to join issue ;

And if the said issue be found for the defendant or defend-
ants, or the plaintiff or plaintiffs shall be nonsuited, the plain-
tiff or plaintiffs shall be clearly barred from the said action or
actions and all other suits concerning the same.

6. In all actions upon the case for slanderous words to be sued
or prosecuted by any person or persons in any of the Courts of
record at Westminster, or in any Courts whatsoever that hath
power to hold plea of the same, . . . if the jury upon
the trial of the issue in such action or the jury that shall
inquire of the damages do find or assess the damages under forty
shillings, then the plaintiff or plaintiffs in such action shall have
and recover only so much costs as the damages so given or
assessed amount unto, without any further increase of the same,
any law, Statute, custom, or usage to the contrary in anywise
notwithstanding.

In actions of
slander under
40s. the plain-
tiffs shall
recover no
greater costs
than damages.

7. Provided, nevertheless, that if any person or persons that
is or shall be intituled to any such action of trespass, detinue,
action sur trover, replevin, actions of accounts, actions of debts,
action of trespass for assault, menace, battery, wounding, or
imprisonment, actions upon the case for words, be, or shall be at
the time of any such cause of action given or accrued, fallen or
come within the age of twenty-one years, *feme covert, non compos
mentis*, imprisoned, or beyond the seas, that then such person or
persons shall be at liberty to bring the same actions, so as they
take the same within such times as are before limited after their
coming to or being of full age, discoverd, of sane memory, at
large, and returned from beyond the seas, as other persons having
no such impediment should have done.

Infants, *femes
coverts, &c.*,
exempted.