

CHAPTER CXCVI.

AN ACT FOR LIMITATION OF ACTIONS.

[Section I.] Be it enacted by Charles Gookin, Esquire, by the Queen's royal approbation, Lieutenant-Governor under William Penn, Esquire, true and absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That all actions of trespass *quare clausum fregit*, all actions of detinue, trover and replevin, for taking away goods and cattle, all actions upon account and upon the case (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 specialty, all actions of debt for arrearages of rent (except proprietaries' quit-rents) and all actions of trespass, of assault, menace, battery, wounding and imprisonment, or any of them, which shall be sued or brought, at any time after the five-and-twentieth day of April which shall be in the year of our Lord one thousand seven hundred and thirteen, 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 actions of trespass *quare clausum fregit*, within three years after the said five-and-twentieth day of April next, or within six years next after the cause of such actions or suit, and not after.

And the said actions of trespass, of assaults, menace, battery, wounding, imprisonment, or any of them, within one year next after the said five-and-twentieth day of April next, or within two years next after the cause of such actions or suit, and not after; and the said actions upon the case for words within one year next after the words spoken, and not after.

[Section II.] And be it further enacted, That if in any of 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, then, and in every such case the party plaintiff, his heirs, executors or administrators (as the case may require) may commence a new action or suit, from time to time, within a year after such judgment reversed or given against the plaintiff as aforesaid, and not after.

[Section III.] And be it further enacted, That 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 defendants, or if the plaintiff or plaintiffs shall be non-suited, the plaintiff or plaintiffs shall be clearly barred from the said action or actions, and all other suit concerning the same.

[Section IV.] And be it further enacted, That in all actions upon the case for slanderous words, to be sued or prosecuted by any person or persons in any court within this province, after the said twenty-fifth of April next, if the jury upon 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 do amount unto, without any further increase of the same, any law or usage to the contrary notwithstanding.

Provided nevertheless, That if any person or persons, who is or shall be entitled to any such action of trespass, detinue, trover, replevin, actions of account, debt, actions for trespass, for assault, menace, battery, wounding or imprison-

ment, actions upon the case for words, be, or at the time of any cause of such action, given or accrued, fallen or come, shall be within the age of twenty-one years, *feme covert*, *non compos mentis*, imprisoned or beyond sea, 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 hereby before limited, after their coming to, or being of full age, discoverture, of sound memory, at large, or returning into this province as other persons.

Passed March 27, 1712-13. Allowed to become a law by lapse of time in accordance with the proprietary charter, having been considered by the Lords Justices in Council July 21, 1719, and not acted upon. See Appendix IV, Section II, and the Acts of Assembly passed May 28, 1715, Chapter 207; April 3, 1781, Chapter 935; June 21, 1781, Chapter 945; April 4, 1798, Chapter 2009.

CHAPTER CXCVII.

AN ACT FOR ESTABLISHING ORPHANS' COURTS.

Whereas by certain laws of this province now in force, several matters of great importance are directed to be done by the Orphans' courts, which being discontinued by the repeal of the former law of courts, and not hitherto revived, nor effectually supplied by another law, divers orphans and persons concerned for them, or intrusted with their estates, labor under great inconveniencies:

[Section I.] Be it therefore enacted, by Charles Gookin, Esquire, by the Queen's royal approbation, Lieutenant-Governor under William Penn, Esquire, true and absolute Proprietary and Governor-in-Chief, of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by authority of the same, That the justices of the court of general quarter-sessions of the peace in each county of this province, or so many of them as are or shall be from time to time enabled to hold those