

rules, and in such proportions on the several towns and districts, parishes and other places aforesaid, as shall be agreed on and ordered by the general court at their session in May, one thousand seven hundred and seventy-two, and to be paid into the treasury on or before the last day of March next after; and the further sum of twenty-eight thousand seven hundred and fifty pounds, according to such rules, and in such proportion on the several towns, districts, parishes and other places aforesaid, as shall be agreed on and ordered by the general court at their session in May, one thousand seven hundred and seventy-three, and to be paid into the treasury on or before the last day of March next after.

*And be it further enacted,*

[SECT. 7.] That if the general court, at their session in May, one thousand seven hundred and seventy-one, or at their session in May, one thousand seven hundred and seventy-two, or at their session in May, one thousand seven hundred and seventy-three, and sometime before the twentieth day of June in each year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be, in each of said years, assessed and levied, that then and in such case each town, district, parish and other place within this province shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sums as the said towns, districts, parishes and other places were taxed by the general court in the tax act then last preceeding.

General court to apportion the sum in the years 1771, 1772, and 1773, or otherwise be paid as in the preceding tax act.

[SECT. 8.] And the province treasurer is hereby fully impowered and directed, some time in the month of June, in each of the years aforesaid, to issue and send forth his warrants, directed to the selectmen or assessors of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury at the aforementioned times; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the last preceeding tax act. [*Passed November 17; published November 20.*]

Treasurer empowered to issue his warrants, accordingly.

## CHAPTER 9.

AN ACT FOR REPEALING THE SEVERAL LAWS NOW IN FORCE WHICH RELATE TO THE LIMITATION OF PERSONAL ACTIONS, AND FOR THE LIMITATION OF PERSONAL ACTIONS FOR THE FUTURE, AND FOR AVOIDING SUITS AT LAW.

*Be it enacted by the Lieutenant-Governor, Council and House of Representatives,*

[SECT. 1.] That the several laws and the several paragraphs and clauses of all and every of the laws, of this province, heretofore made and enacted, any ways relating to the limitation of personal actions, be and hereby are repealed, and declared null and void, and shall never hereafter be pleaded or pleadable in bar of any action brought or to be brought.

The several laws relating to limitation of personal actions repealed.  
1692-3, ch. 42, § 9.  
1693, ch. 7, § 2.  
1693-4, ch. 2.  
1718-19, chap. 10.  
1748-49, chap. 17.  
1755-56, chap. 22.  
1761-62, chap. 41.  
1766-67, chap. 20.  
Actions described.

And, for avoiding suits in law, —

*Be it further enacted,*

[SECT. 2.] That all actions of trespass *quare clausum fregit*; all actions of trespass, detinue, action sur trover, and replevin for taking

1698, ch. 10, § 13. 1700-1, ch. 6, § 2.  
1723 4, chap. 1. 1740-41, chap. 4.  
1752-53, chap. 1. 1753-54, chap. 34.  
1757-58, chap. 9. 1759-60, chap. 15.

away goods and cattle; all actions of account and upon the case, other than such accounts as concern the trade of merchandize 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; and all actions of assault, menace, battery, wounding and imprisonment,—or any of them,—which shall be sued or brought at any time after the first day of December, one thousand seven hundred and seventy, 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 action[s] of account, and the said actions of trespass, debt, detinue and replevin for goods or cattle, and the said action of trespass *quare clausum fregit*, within six years from the first day of December, one thousand seven hundred and seventy, or within six years next after the cause of such actions or suits, and not after; and the said actions of trespass, of assault, battery, wounding, imprisonment, or any of them, within one year, next after the first day of December aforesaid, or within four years next after the cause of such actions or suits, and not after; and the said actions upon the case, for words, within one year after the first day of December aforesaid, or within two years next after the words spoken, and not after.

*And, nevertheless, —*

*Be it enacted,*

A new action may be commenced in certain cases.

[SECT. 3.] 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, alledged in arrest of judgment, the judgment be given against the plaintiff that he take nothing by his plaint, writ or bill; that in all such ca[us]es, the party plaintiff, his 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, and not after.

*And be it further enacted,*

A disclaimer allowed in certain cases.

[SECT. 4.] 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 the plaintiff or plaintiffs shall be nonsuited, the plaintiff or plaintiffs shall be clearly barred from the said action or actions, and all other suit concerning the same.

*And be it further enacted,*

Costs limited to the sum recovered in damages, when under forty shillings.

[SECT. 5.] That in all actions upon the case for slanderous words, all actions of assault and battery, all actions for false imprisonment, and all actions for malicious prosecution, to be sued or prosecuted in any of the courts of record within this province, if the jury upon the trial of the issue in such action, or the jury that shall enquire of the damages, do find or assess the damages under forty shillings, then the plaintiff or plaintiffs in such actions shall have and recover only so much costs as the damages so found or assessed amount unto, without any further increase of the same.

*Provided, always, —*

*And be it further enacted,*

[SECT. 6.] That this act shall not be understood to barr any infant, *feme covert*, person imprisoned, beyond the seas, or *non comp[os]mentis*, from bringing either of the actions before mentioned, within the term before set and limited for bringing such action, reckoning from the time that such impediment shall be removed.

Infants, &c.,  
not barred.

*And be it further enacted,*

[SECT. 7.] That if any person or persons against whom there is or shall be any such cause of suit, or action of trespass, detainue, action sur trover, or replevin, for taking away goods or cattle; or of action of account, or upon the case, or of debt grounded upon any lending or contract, without specialty; of debt for arrearages of rent; or assault, menace, battery, wounding and imprisonment, or any of them, be or shall be at the time of any such cause of suit or action given or accrued, fallen or come, without this province, that then such person or persons who is or shall be entitled to any such suit or action, shall be at liberty to bring the said actions against such person and persons, after their coming or return in[to] this province, so as they take the same, after their coming or return into this province, within such times as are, respectively, limited for the bringing of the said actions before by this act.

Actions against  
persons without  
the province  
may be brought  
within the lim-  
ited time after  
their return.

*Provided, always, —*

*And be it further enacted,*

[SECT. 8.] That this act shall not extend, or be construed to extend, to limit or barr any action upon the case hereafter to be brought upon any note in writing, made and signed by any person or persons and attested by one or more witnesses, whereby such person or persons have promised, or shall promise, to pay to any other person or persons any sum of money mentioned in such a note; but all action or actions upon any such note or notes shall be maintained and maintainable as if this act had never been made, anything herein contained to the contrary notwithstanding. [*Passed November 20.*]

Proviso with  
regard to notes  
of hand, wit-  
nessed.  
19 Pick., 45.

## CHAPTER 10.

AN ACT TO EXEMPT THE PEOPLE CALLED QUAKERS AND ANTIPE-  
DOBAPTISTS FROM PAYING TAXES FOR THE SUPPORT OF MINISTERS  
SETTLED BY THE LAWS OF THIS PROVINCE, AND FOR THE BUILD-  
ING AND REPAIRING MEETING-HOUSES, OR PLACES OF PUBLIC  
WORSHIP, WHERE SUCH MINISTERS OFFICIATE.

WHEREAS the act for exempting persons commonly called Quakers and Anabaptists, within this province, from being taxed for and towards the support of ministers, will expire on the thirtieth day of January next, —

Preamble.  
1757-58, chap.  
20.  
1768, chap. 5.

*Be it enacted by the Lieutenant-Governor, Council and House of Representatives,*

[SECT. 1.] That from and after the thirtieth day of January, one thousand seven hundred and seventy-one, none of the persons who are either of the persuasion of the people called Quakers or of the persuasion of the people called Antipedobaptists, who alledge a scruple of conscience as the reason of their refusal to pay any part of the proportion of such taxes as are, from time to time, assessed for the support of the minister or ministers of any church settled by the

Quakers and  
Antipedobap-  
tists, who al-  
lege a scruple  
of conscience,  
exempted from  
taxes for build-  
ing meeting-  
houses, or sup-  
porting minis-  
ters.