

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

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1841.

CHAP. 144. is tenant of the freehold at the time the suit is commenced ; but, if he is not the same person against whom demand is made, he shall be liable for damages only for the time, during which he held the possession.

gainst tenant of the freehold. Liable for damages only whilst in possession. 1 Mass. 469.

Separate action for damages against the person on whom the demand was made.

Writ of seizin, and proceedings in setting off dower. 1821, 40, § 2.

Assignment of rents and profits in certain cases. 1821, 40, § 3.

Recovery of dower by a woman divorced. 1821, 71, § 5.

SECT. 7. In the case mentioned in the preceding section, if the demandant shall recover her dower and damages in the writ of dower, she may afterwards maintain an action on the case, against the prior tenant of the freehold, of whom her demand was made, for the rents and profits for the time, during which he held the premises, after the making of the demand.

SECT. 8. When judgment for her dower is rendered in favor of the demandant, a writ of seizin shall be issued, requiring the proper officer to cause her dower to be assigned and set out to her by three disinterested persons, to be appointed by the plaintiff, defendant and officer, as in case of the levy of an execution on land ; they shall be duly sworn, to set out the same equally and impartially, and as conveniently as may be, and according to their best skill and judgment ; and the officer shall make return of the writ and doings thereon to the court, with the assignment of dower indorsed thereon, or annexed thereto ; which being accepted, shall be conclusive.

SECT. 9. When the estate, out of which the dower is to be assigned, consists of a mill or other tenement, which cannot be divided without damage to the whole, the dower may be assigned of the rents and profits thereof, to be had and received by the demandant, as tenant in common with the other owners of the estate.

SECT. 10. Any woman, who is divorced from her husband, for his fault, may recover her dower in the manner before provided, against her former husband, or whoever shall be the tenant of the freehold.

CHAPTER 145.

OF REAL ACTIONS.

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| <p>SECT. 1. All writs abolished, but writs of entry.</p> <p>2. Saving, in favor of infants, and certain others.</p> <p>3. Recovery of estates by writ of entry. Mode of service.</p> <p>4, 5. Allegations in the declaration.</p> <p>6. Proof of seizin.</p> <p>7. Right of entry must be proved.</p> <p>8. Such right of entry not defeated by descent or discontinuance.</p> <p>9, 10. Who may be considered a disseizor. Disclaimer.</p> <p>11. Proof, to entitle the demandant to recover, on trial.</p> <p>12. Joinder of demandants.</p> | <p>SECT. 13. Demandant may recover, upon proof of title.</p> <p>14. Recovery of damages by demandant.</p> <p>15, 16, 17. Estimation of rents and profits.</p> <p>18. Recovery of damages against other persons.</p> <p>19. Real actions not to abate by death or intermarriage of a party. Proceedings in such case.</p> <p>20. Appointment of guardians for minors ; amendments.</p> <p>21. Writs of possession to conform to the case. Estoppel.</p> <p>22. Allowance of costs, and stay of execution, in such case.</p> |
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- SECT. 23. Betterments allowed, after six years' possession.
24. Description of the premises demanded.
25. Tenant may consent, that demandant may recover a specified part. Effect thereof.
26. Tenant may have betterments upon demurrer or default.
27. Request, by tenant, for appraisal of improvements, and, by demandant, for appraisal of the land.
28. Demandant may elect to abandon.
- 29, 30, 31. Mode of collecting the value of the land, in such case.
32. Execution may be extended on the land.
33. Remedy, if tenant be evicted.
34. Consequence, if demandant do not abandon.
35. Restriction of the right to betterments.
36. Tenant not to commit waste.
37. Agreement of parties, as to value.
- SECT. 38. Tenant may propose a sum, at which the value may be estimated. Effect thereof.
39. Set off of costs, in certain cases.
40. Jurors disqualified, if interested in similar questions.
41. Execution may issue after a year.
42. What constitutes a possession and improvement.
43. Proceedings, if either party die before the cause is disposed of.
44. How writ of possession shall issue in such case.
45. Either party may have a view, by the jury.
46. Proceedings, if a life estate be demanded.
47. Remedy, if tenant be ousted, after six years' possession.
48. How available.
49. Pending actions not affected by this chapter.
50. Cases, in which defendant may impeach the plaintiff's title deeds.

CHAP. 145.

SECTION 1. All writs of right and of formedon, and all writs of entry, except that which is provided for in this chapter, shall be abolished from and after the first day of April, in the year, one thousand, eight hundred and forty three, except as is provided in the following sections.

All writs abolished, but writs of entry.

SECT. 2. If any person, who, on the said first day of April, shall be entitled to maintain any of the said actions, which are to be abolished on that day, shall be within the age of twenty one years, a married woman, insane, imprisoned or without the limits of the United States, the action may be brought, at any time within five years, after the disability shall cease, or after the death of the person disabled; provided, that no such action shall be maintained, after it would have been barred by the statutes of limitation in force, at, and immediately before the time, when this chapter shall take effect.

Saving, in favor of infants, and certain others.

SECT. 3. Any estate of freehold, whether in fee simple, fee tail or for life, may be recovered by a writ of entry; and such writ, and also the writ in an action of dower, shall be served, not only in the usual manner by attachment and summons, or by copy of the writ, upon the defendant, but, if the defendant be not tenant in possession, by a delivery, by the officer, to the tenant, or by leaving at his last and usual place of abode, an attested copy of the writ; and, if the defendant be not an inhabitant of this state, the service on the tenant shall be sufficient notice to the defendant, or the court may order such further notice, as they may deem proper.

Recovery of estates, by writ of entry. Mode of service. 1821, 59, § 4. 7 Greenl. 232.

SECT. 4. The demandant shall declare on his own seizin, within twenty years then last past, without naming any particular day, and shall allege a disseizin by the tenant; but need not aver a taking of the profits.

Allegations in the declaration.

SECT. 5. He shall set forth the estate he claims in the premises, whether in fee simple, fee tail or for life; and, if for the latter,

Same subject.

CHAP. 145. then whether for his own life or the life of another; but shall not be required in any case to state in the writ, the origin of his title, or the deduction of it to himself; but, on the application of the tenant, the court may direct the demandant to file in the case an informal statement of the title on which he relies, and the origin of it.

Proof of seiz-
in.
22 Pick. 295.

SECT. 6. The demandant shall not be required to prove an actual entry under his title, but proof, that he is entitled to such an estate in the premises, as he claims, as heir, devisee, purchaser, or otherwise, and also that he has a right of entry therein, shall be deemed sufficient proof of the seizin, alleged in the declaration.

Right of entry
must be proved.

SECT. 7. No such action shall be maintained, unless, at the time of commencing the action, the demandant had such right of entry into the premises.

Such right of
entry not de-
feated by de-
scent or discon-
tinuance.

SECT. 8. No descent, or discontinuance of any kind, or how-
ever occasioned, which may hereafter occur, shall take away or
defeat any right of entry for the recovery of real estate.

Who may be
considered a
disseizor. Dis-
claimer.

SECT. 9. Every person alleged to be in possession of the
demanded premises in such writ of entry, claiming any freehold
therein, may be considered as a disseizor, for the purpose of trying
the right, whatever may be the manner of his original entry on the
premises; but, by a brief statement under the general issue, the
defendant may shew that he was not in possession of the premises
demanded, when the action was commenced, and disclaim any right,
title, or interest therein; and proof of such fact shall defeat the
action; and, if he was in possession of, or claiming only a part of
the demanded premises, when the action was commenced, he shall
describe such part in a statement, signed by him or his attorney,
and filed in the case, and may disclaim the residue as aforesaid; and,
if, on trial, the facts contained in such statement shall be proved to
be true, the demandant shall recover judgment for no more than the
part, so described therein.

Same subject.

SECT. 10. If the person in possession have actually ousted the
demandant, or withheld the possession of the premises, he may, at
the election of the demandant, be considered a disseizor for the pur-
pose of trying the right, though he should claim therein an estate
less than freehold.

Proof, to enti-
tle the demand-
ant to recover,
on trial.

SECT. 11. In the trial upon such writ of entry on the general
issue, if the demandant shall prove, that he is entitled to such
estate in the premises as he has alleged, and had a right of entry
into the same on the day when the action was commenced, he shall
recover the premises, unless the tenant in possession shall prove a
better title in himself.

Joinder of de-
mandants.
1821, 39, § 21.

SECT. 12. Persons claiming, as tenants in common, joint ten-
ants or coparceners, may all join, or any two or more of them may
join, in a suit for recovery of lands; or any one may sue alone for
his own particular share.

Demandant
may recover,
upon proof of
title.

SECT. 13. The demandant may, in all cases, recover any spe-
cific part of the premises, or any undivided portion thereof, to which
he shall prove a title, though such part or portion may be less than
is demanded.

Recovery of
damages by de-
mandant.

SECT. 14. When a demandant recovers judgment in a writ of
entry, he shall also be entitled to recover, in the same action, dam-

ages against the tenant for the rents and profits of the premises from the time when the demandant's title accrued, subject to the limitations hereinafter contained; and he shall also recover damages for any destruction or waste of the buildings or other property, for which the tenant is by law answerable.

SECT. 15. The rents and profits, for which the tenant shall be liable, shall be the clear annual value of the premises for the time, during which he was in possession thereof, after deducting all lawful taxes and assessments on the premises, that shall have been paid by the tenant, and all the necessary and ordinary expenses of cultivating the land, or collecting the rents, profits or income of the premises.

Estimation of rents and profits.

SECT. 16. In estimating the rents and profits, the value of the use by the tenant of any improvements made by himself, or those under whom he claims, shall not be computed nor allowed to the demandant.

Same subject. 12 Mass. 314.

SECT. 17. The tenant shall never be liable for the rents and profits, for any longer time than six years, nor for any waste or other damage committed before that time, unless the rents and profits are allowed by way of set off to his claim for improvements, as hereinafter provided.

Same subject.

SECT. 18. Nothing, contained in this chapter, shall prevent the demandant from maintaining an action for mesne profits, or for damage done to the premises, against any person, except the tenant in a writ of entry, who may have had possession of the premises, or who may be otherwise liable to such action.

Recovery of damages against other persons.

SECT. 19. No action, wherein the possession of land is, or may be, demanded, shall, at any stage of its progress, after having been entered in court, be abated by the death or intermarriage of either party thereto; but the court, wherein the same may be pending, shall proceed to try and determine such action, after such notice, as the court may order, shall have been duly served upon the legal representatives of any party deceased, and all others interested in his estate, as heirs, or upon the husband of any party intermarried, either personally, or by publication in some newspaper.

Real actions not to abate by death or intermarriage of a party. Proceedings, in such case. 2 Greenl. 127. 9 Pick. 259.

SECT. 20. If, in such cases, any heir of a deceased party is a minor, the court shall order notice to the guardian, and shall have power to appoint a guardian ad litem, if necessary, and the court shall also direct all necessary amendments to be made in the forms of proceeding.

Appointment of guardians for minors; amendments.

SECT. 21. Where judgment shall be for the demandant in any such case, the court may order one or more writs of possession to issue, as may be necessary; and where such judgment shall be against the representative or heirs of any deceased party, a writ of possession may be issued against all such, as may have been notified according to the provisions of the nineteenth and twentieth sections, whether they have appeared and defended said suit or not; and such judgment shall be conclusive against all, who have appeared and defended said suit, or who have been notified to appear as aforesaid.

Writs of possession to conform to the case. Estoppel.

SECT. 22. In all such cases, full costs shall be allowed to the prevailing party, and the court may order one or more executions to

Allowance of costs, and stay of execution in such case.

CHAP. 145.

be issued therefor, as law and justice may require, either against the goods and estate of a deceased party in the hands of his executor or administrator, or otherwise, according to the legal rights and liabilities of the parties, and may further order any such stay of execution, as the situation of the estate may require.

Betterments allowed, after six years' possession.

1821, 47, § 1.
6 Mass. 303.
7 Mass. 472.
17 Mass. 350.
1 Greenl. 89,
348.
5 Greenl. 153.
9 Greenl. 62.
3 Fairf. 373.
5 Pick. 140.
6 Pick. 173.
8 Pick. 376.
11 Pick. 194.
15 Pick. 141.

Description of the premises demanded.
1821, 47, § 3.
1826, 344, § 1.

Tenant may consent, that demandant may recover a specified part. Effect thereof.
1826, 344, § 4.

Tenant may have betterments, upon demurrer or default.
1826, 344, § 3.
Request, by tenant, for appraisal of improvements, and, by demandant, for appraisal of the land.
1821, 47, § 1.

Demandant may elect to abandon.
1821, 47, § 1.

SECT. 23. When the demanded premises have been in the actual possession of the tenant, or those under whom he claims, for six successive years or more, before commencement of the action, such tenant shall be allowed a compensation for the value of any buildings and improvements on the premises, made by him or those under whom he claims, to be ascertained and adjusted in the manner hereinafter provided.

SECT. 24. In such action, the premises demanded shall be so defined and described in the declaration, that the defendant may know, with reasonable certainty, what lands and tenements are intended; otherwise, the court, before which the action is pending, may direct a nonsuit. And, if the tenant or the person, under whom he claims, has been in possession of a tract of land, lying in one body, for six years or more before the commencement of the action, and only a part of such tract is demanded, and the tenant alleges, that the demandant has as good title to recover the whole tract, as he has to recover the tract demanded, the tenant may request the jury to ascertain, and, by their verdict, to decide that fact; and, if they find, that the demandant has as good a title to demand the whole tract, as the part demanded, they shall proceed no further; but, on such verdict, the court shall enter judgment, that the writ abate, unless the declaration shall be so amended as to include the whole tract; which amendment the court may allow, without costs.

SECT. 25. If the tenant shall consent, that the demandant may recover a specified part of the demanded premises, and enter notice thereof on record, in open court, then, by consent of the demandant, judgment may be rendered in favor of him for such part, and for the defendants for the residue; and, if the demandant shall not consent to such offer, and shall not recover for any other part of the premises, he shall not recover any costs; but the defendant shall recover costs from the time of such rejected offer.

SECT. 26. The tenant shall enjoy the benefit of the provisions in the following sections, as to the increased value of the premises, as well when the cause is determined by the court in favor of the demandant upon demurrer, or default, as when, by verdict.

SECT. 27. The tenant may file a claim in writing to compensation for buildings and improvements on the premises, and a request for an estimation, by the jury, of the increased value of the premises by reason thereof; and the demandant may file a request in writing, that the jury would also estimate, what would have been the value of the premises, at the time of trial, provided no buildings had been erected, or improvements made, or waste committed; both which estimates it shall be their duty to make, and, in their verdict, state to the court.

SECT. 28. If, after such verdict has been given, the demandant shall, at the same term of the court, or at a subsequent term, if the

cause should be continued, make his election on record to abandon the premises to the tenant, at the value estimated by the jury, then judgment shall be rendered against the tenant, for the sum so estimated by the jury, and costs.

SECT. 29. At the end of one year, execution may issue for such sum, with one year's interest thereon, and costs, unless the tenant shall then have deposited with the clerk of the court, or in his office, for the demandant's use, one year's interest of said sum, and one third part of said principal sum, and all the costs, if taxed and filed, in which case, no execution shall issue at that time.

SECT. 30. If, within two years after the rendition of judgment, the tenant shall pay one year's interest, on the balance of the judgment due, and one third part of the original judgment, then execution shall be further stayed; otherwise, it may issue for two third parts of the original amount of the judgment, and interest thereon.

SECT. 31. If the tenant shall, within three years after the rendition of judgment, pay into the clerk's office the remaining third part and interest thereon, having made the several payments aforesaid, then the execution shall never issue; otherwise, it may, for the third part aforesaid and one year's interest thereon; and the premises shall be held bound as security for the amount of the judgment, liable to be taken in execution, in whole or in part satisfaction of said sum, or any unpaid part of the same, and the interest, until sixty days after an execution might have issued as aforesaid, notwithstanding any intermediate conveyance, attachment or service upon execution.

SECT. 32. Such execution may be extended on said land, or any part of it, and the same may be set off on execution; upon appraisement according to law; or the same may be sold on the execution, in the same manner, as an equity of redemption may be sold; and, in either case, subject to the right of redemption, as in those cases.

SECT. 33. Should the tenant or his heirs be evicted from the land, abandoned to him as aforesaid, by a better title of any claimant, and, if such tenant shall have given notice to the demandant or his heirs, to aid him in the defence of such claimant's action, the tenant, his executors or administrators, may recover back the money he shall have paid, with lawful interest, of said demandant or his representatives; but, if no such notice was given, then the tenant, in an action, brought against the original demandant, to recover back the price paid for the premises, may show, that he was evicted by force of a title better than that of the original demandant.

SECT. 34. When the demandant shall not elect to abandon the premises to the tenant, in the manner stated in this chapter, no writ of possession shall issue on the judgment rendered on the verdict, nor any new action be sustained for the land, unless the demandant shall, within one year from the rendition thereof, have paid into the clerk's office of the same court, or to such person as the court may appoint, for the use of the tenant, such sums as shall have been assessed for the buildings and improvements as aforesaid, with all interest thereon.

SECT. 35. Nothing, contained in this chapter concerning rents

CHAP. 145.

1 Greenl. 309.
3 Greenl. 377.
4 Greenl. 297.
16 Maine, 124.

Mode of collecting the value of the land, in such case.
1821, 47, § 1.

Same subject.
1821, 47, § 1.

Same subject.
1821, 47, § 1.

Execution may be extended on the land.
1821, 47, § 1.

Remedy, if tenant be evicted.
1821, 47, § 1.

Consequence, if demandant do not abandon.
1821, 47, § 1.

Restriction of

CHAP. 145.

the right to bet-
terments.
1821, 47, § 1.
12 Mass. 329.
1 Greenl. 349.

Tenant not to
commit waste.
1821, 47, § 2.

Agreement of
parties, as to
value.

Tenant may
propose a sum,
at which the
value may be
estimated. Ef-
fect thereof.
1821, 47, § 4.
2 Greenl. 352.

Set off of costs,
in certain cases.
1828, 397.

Jurors disquali-
fied, if interest-
ed in similar
questions.
1821, 47, § 6.
14 Mass. 205.

Execution may
issue, after a
year.

What consti-
tutes a posses-
sion and im-
provement.
1821, 47, § 5.
2 Greenl. 275.

and profits, or the estimate and allowance of the value of the build-
ings and improvements, shall be construed to extend to any action
between a mortgager and mortgagee, his heirs or assigns; or to any
case, where the tenant, or the person under whom he claims, entered
into possession of the premises and occupied under contract with
the owner, which was known to the tenant, when he entered.

SECT. 36. No tenant, after judgment has been entered against
him for the appraised value of the premises, shall unnecessarily cut
wood or take away any timber, or make any strip or waste on the
land, till the amount of such judgment shall have been satisfied.

SECT. 37. Whenever the parties agree, that the value of the
buildings and improvements on the land demanded, and the value
of the land shall be ascertained by persons, named on the record
for that purpose, their estimates, as reported by them and recorded,
shall, for all the purposes of this chapter, be deemed equal in its
effect, as the verdict of a jury.

SECT. 38. Whenever the tenant, in any stage of such an action,
shall, in open court, file a statement, in which he shall name the
sum at which he consents, that the buildings and improvements
made on said land, and also the value of the demanded premises
should be estimated, then, if the demandant shall consent to the
same, judgment shall be rendered, according to such consent of
parties, in like manner as if said sums had been found by verdict;
but, if the demandant shall not so consent, and the jury shall not
reduce the value of the buildings and improvements below the sum
offered, nor increase the value of the premises above the sum offered,
he shall not recover costs arising after such offer, but the tenant
shall recover his costs arising after such offer, and have a separate
judgment and execution therefor, subject to the provisions of the fol-
lowing section.

SECT. 39. In all cases, where the demandant does not abandon
the premises to the tenant, the court may, on the written applica-
tion of either party, during the term when judgment is entered,
order the costs, recovered by the demandant, to be set off against
the appraised value of the buildings and improvements on the land;
a record of which order shall be made, and the court shall there-
upon enter judgment, as shall be proper, according as the balance
and its amount may be in favor of one party, or the other.

SECT. 40. No person shall be allowed to sit as a juror in the
trial of a cause, when the value of buildings and improvements
made on the demanded premises, and the value of the premises, are
to be estimated as aforesaid, who, as proprietor or occupant, shall
be interested in a similar question.

SECT. 41. The expiration of a year, after the rendition of judg-
ment, shall not prevent the issuing of execution or writ of possession,
in the cases mentioned in the twenty ninth, thirtieth and thirty first
sections of this chapter; but it may be taken out at any time,
within three months after any default of payment by the tenant.

SECT. 42. A possession and improvement of land by a tenant
shall be deemed within the provisions of this chapter, though such
land be not surrounded wholly by a fence, or rendered inaccessible
by other obstructions, if such possession and improvement shall

have been open, notorious and exclusive, and comporting with the usual management and improvement of a farm by its owner, and though a portion of it may be woodland and uncultivated.

SECT. 43. If, after judgment has been rendered for the demandant in a writ of entry, either party die before a writ of possession is executed, or the cause otherwise disposed of, according to the foregoing provisions, any money, payable by the tenant, may be paid by him, his executors, or administrators, or by any person, who is entitled to the estate under him, to the demandant or his executors or administrators, with the like effect; as if both parties were living.

Proceedings, if either party die, before the cause is disposed of.

SECT. 44. The writ of possession, whenever issuable in such case, shall be issued in the name of the original demandant against the original tenant, though either of them or both be dead; and, when executed, it shall enure to the use and benefit of the demandant, or whoever is then entitled to the premises under him, in like manner, as if it had been executed in the lifetime of the parties.

How writ of possession shall issue, in such case.

SECT. 45. Either party may have a view, by the jury, of the place in question, if the court shall be of opinion, that such view is necessary to a just decision; provided, that the party, moving for the same, shall advance such sum to the jury as the court shall order, to be taxed against the adverse party, if the cause be decided against him on the merits, or through his default.

Either party may have a view, by the jury. 1821, 84, § 16.

SECT. 46. If the demandant in a writ of entry shall claim an estate for life only, in the premises, and, if he shall pay any sum allowed to the tenant for improvements, he, or his executors or administrators, at the termination of his estate, shall be entitled to receive of the remainder man or reversioner, the value of such improvements as they then exist; and shall have a lien therefor on the premises in like manner, as if they had been mortgaged for payment thereof; and he may keep possession thereof, accordingly, till the same be paid; and, if the parties cannot agree on the then existing value, it may be settled in the same manner, as in case of the redemption of mortgaged property.

Proceedings, if a life estate be demanded.

SECT. 47. When any person shall make entry into lands or tenements, of which the tenant, then in possession, or those under whom he claims, have been in actual possession for the term of six years or more, before such entry made upon him or them, against his or their consent, and shall withhold from such tenant the possession thereof, such tenant shall have a right to recover of him so entering, or of his executors or administrators, in an action of assumpsit for money laid out and expended, the increased value of the premises, by virtue of the buildings and improvements, made by the tenant, or those under whom he claims.

Remedy, if tenant be ousted, after six years' possession. 1821, 62, § 5.

SECT. 48. Such right and value shall be ascertained by the same principles, as regulate such right and value under the provisions of this chapter.

How available.

SECT. 49. All real actions, which shall be pending in court, or duly commenced, at the time this chapter shall become a law, shall proceed and be conducted to final judgment or other final disposal, in like manner, as if this chapter had never been enacted.

Pending actions not affected by this chapter.

SECT. 50. In all actions respecting lands or any interest therein,

Cases, in which

CHAP. 145.

defendant may impeach the plaintiff's title deeds. 1840, 73.

any title deed, offered in evidence, may be impeached by the defendant, as obtained by fraud, where the grantor, if a party, could so impeach it; provided, the defendant has been in the open, peaceable and adverse possession of the premises for the term of twenty years.

CHAPTER 146.

OF LIMITATION OF PERSONAL ACTIONS.

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| <p>SECT. 1. Certain actions must be commenced within six years.</p> <p>2. Actions against sheriffs.</p> <p>3. Actions of assault and battery, and slander.</p> <p>4. Actions for escapes.</p> <p>5. Scire facias against bail.</p> <p>6. Actions against indorsers of writs.</p> <p>7. Exception of bank notes and witnessed notes.</p> <p>8. Exception of cases where a specific limitation is provided.</p> <p>9. Case of open and mutual account.</p> <p>10. Saving of rights of infants, and certain others.</p> <p>11. General limitation to twenty years.</p> <p>12. Saving, in certain cases of failure of suits.</p> <p>13. Provision, in case of the death of either party before the suit is commenced.</p> <p>14. Saving, of rights of alien enemies, during a war.</p> <p>15. Limitation of suits by individuals, for penalties.</p> <p>16. Limitation of suits by the state, or indictments on penal statutes.</p> <p>17. What is a commencement of an action.</p> | <p>SECT. 18. Limitation extended, in cases of fraud.</p> <p>19. Renewal of promise must be in writing.</p> <p>20. New promise by one, not to deprive another joint promiser of the benefit of the limitation.</p> <p>21. Judgment, when the action is barred as to one defendant, and not the others.</p> <p>22. Non joinder of defendants shall not abate a suit, if the action be barred against the one not sued.</p> <p>23. Effect of indorsements of partial payments.</p> <p>24. No promiser affected thereby, except those making the payments.</p> <p>25. Presumption of payment, after twenty years.</p> <p>26. Application of this chapter to set offs.</p> <p>27. This chapter not to affect promises heretofore made.</p> <p>28. Provision, if defendant be out of the state.</p> <p>29. Limitation of actions against executors and administrators.</p> |
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Certain actions must be commenced within six years. 1821, 62, § 7. 17 Mass. 61. 9 Greenl. 74. 15 Maine, 167. 4 Pick. 78. 9 Pick. 488. 21 Pick. 404. 22 Pick. 450.

SECTION 1. The following actions shall be commenced, within six years next after the cause of action shall accrue, and not afterwards, namely:

First. All actions of debt, founded upon any contract or liability not under seal, except such, as are brought upon the judgment or decree of some court of record of the United States, or of this, or some other of the United States, or of some justice of the peace in this state;

Second. All actions upon judgments, rendered in any court, not being a court of record, except justices of the peace in this state;

Third. All actions for arrears of rent;

Fourth. All actions of assumpsit, or upon the case, founded on any contract or liability, express or implied;

Fifth. All actions for waste and all actions of trespass on land,