

*fregit*: all actions of trespass, detinue, *sur trover*, or replevin for taking away goods or chattels; all actions of account, contract, debt, book, or upon the case, other than such accounts as concern the trade or merchandise between merchant and merchant, their factors and servants which are not residents within this Province; all actions of debt for lending, or contracts without specialty; all actions of debt for arrearages of rent; all actions of assault, menance, battery, wounding and imprisonment, or any of them, shall be sued or brought by any person or persons within this Province, at any time after the end of this present session of Assembly, shall be commenced or sued within the time and limitation hereafter expressed and not after; that is to say, the said actions of account, and the said actions upon the case, upon simple contract, book debt, or account, and the said actions for debt, detinue, and replevin for goods and chattels, and the said actions for trespass \**quare clausum fregit*, within three years ensuing the cause of such action, and not after; and the said **247** actions on the case for words, and actions of trespass, of assault, battery, wounding, and imprisonment, or any of them, within one year from the time of the cause of action accruing and not after. And this defendant saith, that neither he this defendant, nor to his knowledge or belief the said John Henderson deceased, this defendant's father, did at any time within three years before exhibiting the said bill or serving, or suing out process against the defendant to appear to and answer the same, promise or agree to come to any account for, or to pay, or any ways satisfy the said complainants, or the said James M. Lingan in the said bill of complaint mentioned; any sum or sums of money, for or by any reason or matters, transactions or things in the complainant's said bill of complaint mentioned, charged, or alleged. All which matters and things this defendant doth aver to be true, and is ready and willing to maintain and prove as this Honorable Court shall award; and he doth plead the same in bar to the whole of the said bill, and doth humbly demand the judgment of this Honorable Court whether he this defendant ought to be compelled to make any further or other answer to said bill."

To this plea there was subjoined an affidavit of its truth; but there was no answer in its support denying the admissions and acknowledgments charged in the bill. The plaintiffs put in a general replication to this plea, and the case was thus, without the defendants Sarah Henderson and Janet L. Henderson having appeared, set down for final hearing, and the solicitors of the parties having been fully heard, the proceedings were submitted to the Chancellor for his final determination upon the whole case, as before set forth.

BLAND, C., 4th May, 1827.—Having come to the conclusion, that the land must be decreed to be sold for the payment of the