

# REVUE

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### THE STATUTE OF LIMITATIONS.

(CONTINUED.)

*Some Remarks upon the Statute 8 Vic. Cap. 31, entitled "An Act for the Limitation of Actions, for avoiding Suits at Law, and for rendering a written memorandum necessary to the validity of certain promises and engagements, in that part of the Province which heretofore constituted the Province of Lower Canada."*

WE resume our remarks upon the Statute of Limitations. In a previous number, we noticed the peculiar necessity there existed for the utmost circumspection, on the part of the Legislature, in introducing foreign laws into this Province; and, after some general reflections upon the negligence and incapacity frequently exhibited by our lawgivers, we dwelt at length upon the unreflecting precipitation, and the striking want of precision and completeness, if we may so express it, displayed in the particular Act under review. We pointed out some of the difficulties experienced in assigning a distinctive character to that enactment, in so far as it related to the old Imperial Statute of Limitations, 21 Jac. I., Cap. 16, and intimated a doubt whether, very strictly speaking, any legislative disposition, sufficiently ample and explicit, had been introduced into the Amending Act, to give force of law in Lower Canada to any of the provisions of the English Statute. Much interesting, and a great amount of embarrassing discussion, might, and may indeed hereafter, from necessity, arise upon this last point. But this is not the appropriate place, or the occasion, for any further observations upon the importance and difficulties of this question. In taking leave of the subject, however, we cannot refrain from expressing some regret that our Legislature, in passing an Act embracing such general and fundamental provisions, had not been influenced by even a small share of the modesty and hesitation expressed by an illustrious French lawyer on the subject of prescription generally, in the following words: "*La prescription,*" says M. Troplong, "*embrasse une matière qui réunit à toutes les difficultés de la pratique les problèmes obscurs de*