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No. 263.

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2nd Session, 3rd Parliament, 12 Victoria, 1849.

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## BILL.

An Act to declare the true intent, meaning and effect of the Act passed in the tenth and eleventh years of Her Majesty's Reign, to make better provision for the Limitation of Actions in Lower Canada

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Received and Read a first time, Friday, 20th  
April, 1849.

Second Reading, Monday, 23rd April, 1849.

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MR. GUGY.

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PRINTED BY LOVELL AND GIBSON.

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**BILL.**

And Act to declare the true intent, meaning and effect of the Act passed in the tenth and eleventh years of Her Majesty's Reign, to make better provision for the Limitation of Actions in Lower Canada.

**W**HEREAS the intention of the Legislature in passing the Act hereinafter mentioned, was to remove the doubts which are therein recited as having arisen with regard to the laws of Lower Canada in the cases and matters therein mentioned; And whereas it appears that the said Act has been erroneously held to be inapplicable to cases to which it was intended to apply; Be it therefore declared and enacted, &c.

And it is hereby declared and enacted by the authority of the same, That the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, "*An Act to repeal a certain Act therein mentioned, and to make better provision for the limitation of actions in Lower Canada,*" was and is and was intended to be declaratory of the Law of Lower Canada before and at the time of the passing of the said Act, and that its provisions and enactments shall be construed and have effect as having been the Law of Lower Canada, from the time of the passing of the Ordinance of the Lieutenant Governor and Legislative Council of the Province of Quebec, made in the twenty fifth year of the Reign of His Majesty King George the Third, and intituled, "*An Ordinance to regulate the proceedings in the Courts of Civil Judicature and to establish trials by Juries in actions of a commercial nature and personal wrongs to be compensated in damages,*" in which, as it is correctly recited in the Preamble to the said Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, it is provided, that in proof of all facts concerning commercial matters, recourse shall be had in all Courts of civil jurisdiction to the rules of evidence laid down by the Laws of England, of which provision the said Act was intended to declare the effect.

Preamble.

The Act 10 &amp; Vict. c. 11, declared to have been declaratory of the then Law of L. C.

Ordinance, 25 G. 3, c. 2.