

No. 3.

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

BILL.

**An Act to alter the Law relating to the
Limitation of Actions in this Province.**

Received and Read a first time, Friday, 19th
January, 1849.

Second Reading, Thursday, 25th January, 1849.

HONBLE. MR. BOULTON.

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BILL.

An Act to alter the Law relating to
the Limitation of Actions in this
Province.

WHEREAS by an Act passed in the Preamble.
21st year of the Reign of King James
the First, intituled, "*An Act for Limitation* 21 Jac. 1. c.
of Actions, and for avoiding of Suits at Law," 16, cited.
5 it is among' other things provided that, if any
person or persons that is or shall be entitled
to any Action of Trespass, Detinue, Action
sur Trover, Replevin, Actions of Accounts,
Actions of Debt, Actions of Trespass for
10 Assault, Menace, Battery, Wounding or Im-
prisonment, or Actions upon the case for
Words, be or shall be at the time of any
such cause of action given, or accrued, fallen
or come, within the age of twenty-one years,
15 *Feme Covert, non compos mentis*, imprisoned,
or beyond the seas, that then such persons
shall be at liberty to bring the same actions,
so as they take the same within such times as
are thereinbefore limited after their coming
20 to or being of full age, *discoverd*, of sane
memory, at large and returned from beyond
the seas, as other persons having no such
impediment should have done : And whereas
from the greater facilities of communication
25 between foreign countries, which modern
improvements have afforded, than existed at
the time of the passing of the said Act, it is no
longer expedient to continue such exception
in favour of Plaintiffs residing abroad, and
30 it is also unnecessary to continue any such
exception in favour of persons imprisoned,
or of *Femes Covert* : Be it therefore
enacted, &c.

And it is hereby enacted by the authority of After 1st Jan.
35 the same, that from and after the first day of next, Plain-
tiffs may not

reply resi-
dence beyond
the seas, co-
verture or im-
prisonment, to
a plea of limi-
tation.

January next, the Plaintiff or Plaintiffs in any
action or suit thereafter to be brought, shall
not be permitted to reply his or their resi-
dence beyond the seas, or beyond the juris-
diction of the Courts of Canada, coverture or 5
imprisonment, to any plea of the said Act,
or of any other Statute of Limitations, and
he, she, and they shall be as effectually
barred, and the said Statute and every other
Statute of Limitations shall run against him, 10
her or them, during the time of his, her, or
their residence beyond the seas, or beyond
the jurisdiction of the Courts in Canada,
and during her coverture, or his, her, or their
imprisonment, in the same manner and with 15
the like effect as if he, she, or they had been
resident within the Province during such
period, *discover* or at large, anything in the
said Proviso to the said Statute, or in any
other law to the contrary thereof notwith- 20
standing.