L. S.

# BRITISH COLUMBIA.

ANNO TRICESIMO UNO

# VICTORIÆ REGINÆ.

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No. 4.

## An Ordinance to assimilate the Law affecting the limitation of certain causes of Actions and Suits.

[1*st May*, 1868.]

WHEREAS it is expedient to assimilate the Law affecting the limitation of causes of certain Suits arising abroad, in certain cases; Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. "The Limitation of Foreign Actions Act, 1860," and "The Extension of Limitation of Foreign Actions Act, 1861," of the formerly separate Colony of Vancouver Island are hereby repealed. Provided that the repeal hereinbefore mentioned shall not affect or prejudice any rights or privileges acquired under the Acts hereby repealed, or either of them, but the same shall be respectively held and construed as if such repeal had not taken place. Repeal of V. I. Foreign Actions Acts 1860 and 1861.

II. In case any Suit or Action shall be instituted in this Colony against any person here resident, in respect of a cause of Action or Suit which has arisen between such person and some other person in a Foreign Country, wherein the person so sued shall have been resident at the time when such cause of Action or Suit shall have first arisen, such Suit or Action shall not be maintained in any Court of Civil Jurisdiction in this Colony, if the remedy thereon in such Foreign Country is barred by any Statute or Enactment for the limitation of Actions existing in such Foreign Country. Foreign Statutes of Limitation to be a sufficient defence in certain cases.

III. Any defendant may obtain the benefit of the foregoing Enactment by a plea in the form following: Form of plea.

"And for a (1st, 2nd,) plea to the whole, or any particular count of the declaration or suit, the defendant....., says that the cause of Action, or Suit, is barred by the law of (name of the Country,) in which Country the said cause of Action or Suit first arose.

Provided he shall give evidence of the expiration of the period of limitation prescribed by the Foreign Law pleaded.

IV. Any printed copy, purporting to be an authorized copy of any such statute or Enactment, shall be *prima facie* evidence of the Statute or Enactment of which it purports to be an authorized copy. Printed copy to be *prima facie* evidence.

V. This Ordinance may be cited for all purposes as "The Limitation of Actions Ordinance, 1868." Short Title.

*Passed the Legislative Council the* 17*th day of April, A. D.* 1868.

CHARLES GOOD, *Clerk of the Council.* WILLIAM A. G. YOUNG, *Presiding Member.*

*Assented to, in Her Majesty's name, this* 1*st day of May*, 1868.

FREDERICK SEYMOUR, *Governor.*

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