

CHAPTER 184.

LIMITATION.

[No. I of 1856.]

[24th September, 1856.]

Short title.

1. This Ordinance may be cited as the Limitation Ordinance.

Interpretation.

2. In this Ordinance, the word "writing" means any document wholly written, or wholly printed, or partly written and partly printed.

Action on bill of exchange, etc.

3. Every action and suit upon any bill of exchange, promissory note, or other writing not relating to lands or immovable property or the produce or usufruct thereof, shall be brought within six years next after the time at which the amount claimed in respect of that bill, note, or other writing has become due.

Action by ward against guardian.

4. Every action and suit by any ward against his guardian shall be brought within six years next after the time when the ward has attained majority.

Action against executor, etc.

5. Every action and suit against any executor, attorney, or agent, to render accounts, shall be brought within four years next after the time when the executor, attorney, or agent has ceased to act in that capacity.

Action for movable property, salary or goods.

6.—(1) Every action and suit for any movable property, or upon any contract, bargain, or agreement relating to movable property, or to recover money lent without written acknowledgment or upon any account or book debt, or to recover any salary or the value of any goods sold and delivered, shall be brought within three years next after the cause of action or suit has arisen.

Rent from immovable property, mortgage debt, legacies, to be deemed movable property.

(2) Rent arising out of immovable property, and any sum secured by any mortgage, judgement, or lien, or otherwise charged upon or payable out of immovable property, and any legacy payable out of immovable property, shall for the purposes of this Ordinance, be deemed movable property.

7. Every action and suit for the wages of labourers, artisans, or servants shall be brought within one year next after the time when the wages have become due.

Action for wages.

8. Every action and suit for any illegal or excessive levy, injury to property, whether movable or immovable, assault, battery, wounding, or false imprisonment, and every other action or suit in which damages may be recovered (save and except for libel or slander) shall be brought within three years next after the cause of action or suit has arisen.

Action for damages (except for libel and slander).

9. Every action and suit for any libel or slander shall be brought within one year next after the libel is published or the words are spoken.

Action for libel or slander.

10.—(1) If a person entitled to bring any action or suit mentioned in this Ordinance dies before the expiration of the term of limitation, and if the cause of that action or suit survives, his heir, executor, or administrator may bring the action or suit after the expiration of the said term, if he does so within one year from the death of that person.

Right of heir, etc., to bring action in case of person entitled dying.

(2) If a person against whom the action or suit is brought dies before the expiration of the term of limitation, and if the cause of that action or suit survives, the same may be brought against his heir, executor, or administrator after the expiration of the said term, if the action or suit is brought within one year from the death of that person.

Liability of heir, etc., to be sued in case of person liable to action dying.

11.—(1) With respect to the terms of limitation provided by this Ordinance for actions or suits, if, at the time of the right of action or suit accruing, the defendant is absent without ever having been in the colony, or without ever having had an attorney or agent to represent him therein, or if, by reason of the minority, or coverture, or insanity of the plaintiff or of the defendant, or if, by reason of any Ordinance in force in the colony forbidding actions or suits in certain circumstances, either party is disabled from bringing or defending the action or suit, the period of limitation of the action or suit shall begin to run in every such case from the time when that absence from the colony or that disability has ceased.

Time not to run in certain cases of absence, or disability from minority, coverture, insanity, etc.

Running of limitation when begun.

(2) When the absence or disability has ceased, and the term of limitation has thereupon commenced to run, no new absence or other disability shall be allowed to prevent that term from being completed.

Effect on term of limitation of judgement for defendant in action.

12. If any action or suit hereinbefore specified is brought within the term of limitation in that behalf limited, and judgement therein is given for the defendant, the period during which that action or suit is pending shall not be reckoned as forming part of the term of limitation.

Application of the Ordinance to set-off and counter-claim.

13. This Ordinance shall be deemed and taken to apply to the case of any debt or sum of money founded on any cause of action or suit hereinbefore mentioned alleged by way of set-off on the part of any defendant, in all cases wherein set-off can be legally pleaded; and the words "action" and "suit" respectively used in this Ordinance shall include every counterclaim for or in respect of any of the causes of action or suit hereinbefore mentioned.

Limitation of action to recover immovable property :

14. No person shall make an entry or a distress, or bring any action or suit to recover any immovable property, but within twelve years next after the time at which the right to make the entry or distress, or to bring the action or suit, has accrued to him or to some person through whom he claims :

Proviso.

Provided that thirty years shall be the utmost allowance for periods of disability under this Ordinance preventing the running of the term of limitation aforesaid.

Non-application of the Ordinance to certain matters and things specified.

15. Nothing in this Ordinance shall in any way affect the rights of the Crown or apply or extend to—

- (a) any right, title, or interest, to or in lands or immovable property; or
- (b) any servitude or easement; or
- (c) any mortgage, whether written, tacit or legal; or
- (d) any judgement; or
- (e) any bond, bill, note, or other evidence of debt issued by any bank corporation or by or on behalf of the colony; or
- (f) any claim now or hereafter to be filed against the proceeds of any estate in the registry of the Supreme Court; or any balance of any closed estate, or to any unclaimed dividend, now or hereafter to be deposited in the Treasury.