



1848.

No. 9.

ORDINANCE enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.

To remove doubts as to the applicability to this Province of certain Statutes and parts of Statutes respecting the Limitation of Actions.

[15th November, 1848.]

WHEREAS it is expedient to remove all doubts as to the applicability to this Province of the Statutes and parts of Statutes herein-after mentioned, that is to say:—A Statute passed in the twenty-first year of the reign of King James the First, intituled “An Act for Limitation of Actions, and for avoiding of Suits in Law,” so far as the same Statute relates to personal actions; So much of a Statute passed in the fourth year of the reign of Queen Anne, intituled “An Act for the Amendment of the Law and the better Advancement of Justice,” as relates to the time within which actions in the Court of Admiralty for seamens’ wages ought to be brought, and as relates to the time within which certain other actions therein mentioned may be brought against persons after their return from beyond the seas; A Statute passed in the fourth year of the reign of

Preamble:
Recites that it is expedient to remove doubts as to the applicability of Statute 21, James I., c. 16; part of 4 Anne, c. 16; 3 & 4 W. IV., c. 27; and part of 3 & 4, W. IV., c. 42.

of His late Majesty King William the Fourth, intituled "An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the remedies for trying the rights thereto;" And so much of a Statute passed in the fourth year of the reign of His late Majesty King William the Fourth, intituled "An Act for the further Amendment of the Law and the better Advancement of Justice," as relates to the time within which certain actions therein mentioned ought to be brought:

The said Statutes, and parts of Statutes, to be deemed part of the law of this Province.

BE IT THEREFORE ENACTED by the GOVERNOR OF SOUTH AUSTRALIA, with the advice and consent of the LEGISLATIVE COUNCIL thereof— THAT the said Statutes, and parts of Statutes, hereinbefore recited and referred to, shall be deemed to form part of the Law of this Province, and shall be adopted and applied in the administration of justice therein, in like manner, and as fully as any other Laws and Statutes of England, or of the United Kingdom of Great Britain and Ireland, are adopted and applied in this Province.

Proviso that the term "beyond the seas" shall be construed to mean out of the jurisdiction of the Supreme Court of South Australia.

II. PROVIDED ALWAYS, that where in the said Statutes, or parts of Statutes, the term "beyond the Seas," or any equivalent term, is made use of, the same shall be construed to mean out of the jurisdiction of the Supreme Court of South Australia; and that where in the said Statutes, or parts of Statutes, mention is made of persons returning, or returned, from beyond the seas, the same shall be construed to mean persons returning, or returned, within the jurisdiction of the Supreme Court.

Proviso that other parts of the Statutes of 4 Anne, c. 16, and 3 & 4 W. IV., c. 42, not to be deemed in-applicable to the Province, because not referred to.

III. PROVIDED ALSO, and it is hereby declared, that the express adoption of the parts of the said Statutes, passed in the fourth year of the reign of Queen Anne, and in the fourth year of the reign of King William the Fourth, hereinbefore referred to, shall not be deemed to imply that other parts of the said two last-mentioned Statutes not herein referred to, are not considered fit to be adopted as law in the administration of justice in this Province.

Not to affect actions already commenced.

IV. PROVIDED ALSO, that nothing herein contained shall be deemed to affect any action or suit which shall have been commenced before the passing hereof.

H. E. F. YOUNG,
Lieutenant-Governor.

Passed the Legislative Council this Fifteenth day of November, One thousand eight hundred and forty-eight.

W. L. O'HALLORAN,
Clerk of Council.