

1934

23231

KENYA

C0533/450

1934

23231

The Limitation Ordinance.

Previous

see 1015/33. E.A.
Conference of Law
Officers

Subsequent

By 171	2/7
From 209	2/8
Mr. Brewster	26
Mr. ...	7/9
Th. Robert ...	10/9
Mr. ...	11
311	11
299	11/9
297	12/9
Library legal	13/9
1297	

23232

23231

63
1. the

Grammar Figure 303 _____ 9th June 34

1. authenticated
reprinted sheet of
Ordinance to Library

Trans. 2 authenticated & 12 printed copies of the
Limitation Ordinance, No 21 of 1934.

(Belongs in an
envelope to hand
M.)

The A.C. points out that the Ordinance
departs from English law in
two respects - i.e. in regard to
the period of limitation for all
suits of torts and mixed
facts.

Subject to legal opinion
? Signify non-disclosure

C. J. Smith
25/6/34

B. H. H. 25

x presumably due
to peculiarities
in Indian Contract
Act which is
still in force in Kenya

A.C.C.

Learn.

It seems that the omission,
in sections 3, 5 & 9, of reference
to specialty claims^x and dental
claims, which appear in sections
3, 5 & 10 of Trinidad Ordinance
Cap 46, is deliberate.

There is an unnecessary comma
after "at" in the 6th line of
section 27(1). Compare the "at"
in the 5th line of section 28. That
this is a trivial blunder.

C. J. Smith
7.9.34.

No legal comment seems to be necessary

63.2.5

Noted
lib
1974

2

To Kenya, 742 (#1 unused) 6/3 11 SEP 1974

Library
to note, re

104



KENYA.

No. 303

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RE
- 9 JUL 1934
C. O. REGY

June, 1934.

Amend (2)

Sir,

I have the honour to transmit two authenticated copies and twelve printed copies of Ordinance No. XXI of 1934 entitled "An Ordinance to Consolidate and Amend the Law Relating to Limitation", which passed its third reading in the Legislative Council on the 10th May, 1934, and to which I assented in His Majesty's name on the 2nd June, 1934. The Legal Report and a Comparative Table by the Attorney General, showing the origin of the different sections, is also enclosed.

2. I regret that no copies of the Acts on which this Ordinance is based are available for transmission.

I have the honour to be,

Sir,

Your most obedient, humble servant,

BRIGADIER-GENERAL,
GOVERNOR.

THE RIGHT HONOURABLE MAJOR
SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.1.



KENYA
No. 203

GOVERNMENT HOUSE,
NAIROBI,
KENYA

RECEIVED
- 9 JUL 1934
C. O. REGY

June, 1934.

3

Enclosed (2)

Sir,

I have the honour to transmit two authenticated copies and twelve printed copies of Ordinance No. XXI of 1934 entitled "An Ordinance to Consolidate and Amend the Law Relating to Limitation", which passed its third reading in the Legislative Council on the 10th May, 1934, and to which I assented in His Majesty's name on the 2nd June, 1934. The Legal Report and a Comparative Table by the Attorney General, showing the origin of the different sections, is also enclosed.

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PUBLIC RECORD OFFICE					
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Reference					
C.O. 533					
450					
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No. XXI.

1934



Colony and Protectorate of Kenya.

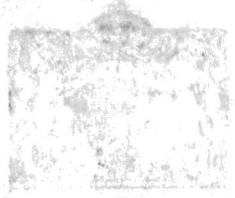
IN THE TWENTY-FIFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.
JOSEPH ALOYSIUS BYRNE, G.C.M.G., K.B.E., C.B.,
Governor.

Assented to in His Majesty's
name this 2nd day of *July*,
1934.

J. BYRNE

Governor.

AN ORDINANCE TO CONSOLIDATE AND AMEND
THE LAW RELATING TO LIMITATION



ORDINANCE No. XXI of 1934

**An Ordinance to Consolidate and Amend the Law
Relating to Limitation.**

ENACTED by the Governor of the Colony of Kenya,
with the advice and consent of the Legislative Council thereof,
as follows:—

1. This Ordinance may be cited as the Limitation Ordinance, 1934, and shall come into force on such date as the Governor shall by proclamation in the Gazette appoint. Short title and commencement.

2. (1) In this Ordinance, unless the context otherwise requires— Interpretation.

"land" includes immovable property as defined by the Interpretation and General Clauses Ordinance, and also any share, estate or interest in such property; (Cap. 1)

"person" includes a class of creditors or other persons;

"person of unsound mind" shall be deemed to mean a person adjudged to be of unsound mind and a person who, though not so adjudged, is found by the Court on inquiry by reason of unsoundness of mind or mental infirmity to be incapable of protecting his interests when suing or being sued;

"minor" includes any person subject to the Age of Majority Ordinance, 1933, who has not attained his majority within the meaning of that Ordinance and any other person who has not completed the age of eighteen; No. 17 of 1933.

"mortgagor" and "mortgagee" shall, wherever possible, respectively be deemed to include a chargor and chargee under the provisions of the Registration of Titles Ordinance; (Cap. 142.)

"rent" includes all services for which a distress may be made, and all annuities and periodical sums of money charged upon or payable out of any land.

(2) The person through whom another person is said to claim means any person by, through, under, or by the act of whom the person claiming became entitled to the estate or interest claimed, as heir, issue in tail, tenant by the courtesy, tenant in dower, successor, special or general occupant, executor, administrator, legatee, husband, assignee, appointee, devisee or otherwise.

PART I.

LIMITATION OF PERSONAL SUITS.

Limitation of personal suits.

3. All suits or proceedings brought to recover any sum of money secured by any mortgage, chattels transfer or judgment, or charged upon and payable out of and being a lien upon any land or rent or for the recovery of any legacy or share of any inheritance or intestate estate and all actions of account between partners in land or commerce or between co-heirs, or against any executors, guardian, trustee, curator, administrator or agent, shall and may be brought at any time within twelve years next after a present right to receive or have the same shall have accrued to some person capable of giving a discharge for or release of the same, and not after twelve years, unless in the meantime some part of the principal money, or some interest thereon, shall have been paid or some acknowledgment of the right thereto or to maintain such suit, shall have been given in writing, signed by the person liable or by whom the money shall be payable or his agent, to the person entitled thereto or his agent; and in such case no such suit or proceeding shall be brought but within twelve years after such payment or acknowledgment, or the last of such payments or acknowledgments, if more than one, was given.

Arrears of rent or interest

4. No arrears of rent or of interest in respect of any of the matters referred to in section 3 hereof nor any damages in respect of such arrears of rent or interest shall be recovered by distress or suit but within six years next after the same respectively shall have become due, or next after an acknowledgment of the same in writing shall have been given to the person entitled thereto or his agent signed by the person by whom the same was payable or his agent:

Provided nevertheless that where any prior mortgagee or other incumbrancer shall have been in possession of any land, or in the receipt of the profits thereof, within one year next before a suit shall be brought by any person entitled to a subsequent mortgage or other incumbrance on the same land,

the person entitled to such subsequent mortgage or incumbrance may recover in such suit the arrears of interest which shall have become due during the whole time that such prior mortgagee or incumbrancer was in such possession or receipt as aforesaid although such time may have exceeded the said term of six years.

5. (1) All suits for the recovery of any chattel or movable thing, or the possession thereof, all suits founded upon any simple contract and all personal suits whatsoever shall and may, unless otherwise specifically provided for in this Ordinance, be commenced and sued within six years next after the cause of such suits and not after.

Limitation of other personal suits.

(2) All suits for damage or injury to persons or property, all suits of assault, battery, wounding or imprisonment, all suits of libel and slander, and all suits of tort, shall and may, unless otherwise specifically provided for in this Ordinance, be commenced and sued within two years next after the cause of such suits and not after.

6. All suits of account or for not accounting, and suits for such accounts as concern the trade of merchandise between merchant and merchant, their factors or servants, shall be commenced and sued within six years after the cause of such suits, and no claim in respect of a matter which arose more than six years before the commencement of such suit shall be enforceable by suit by reason only of some other matter of claim comprised in the same account having arisen within six years next before the commencement of such suit.

Limitation of suits for merchant's accounts.

7. If any acknowledgment shall be made either by writing signed by the party liable upon any simple contract, or his agent, or by part payment or part satisfaction on account of any principal or interest being due thereon, it shall and may be lawful for the person entitled to bring such suit to bring his suit for the money remaining unpaid or so acknowledged to be due, within six years after such acknowledgment, or part payment, or part satisfaction, as aforesaid, or the last of such acknowledgments, part payments, or part satisfactions, if more than one:

Limitation of suits where acknowledgment or part payment.

Provided that where there are two or more co-contractors or co-debtors, whether liable jointly only or jointly and severally, no such co-contractor or co-debtor shall be chargeable by reason only of any such part payment, part-satisfaction or acknowledgment made by any other of such co-contractors or co-debtors, but the period of limitation shall be deemed to be

(2) The person through whom another person is said to claim means any person by, through, under, or by the act of whom the person claiming became entitled to the estate or interest claimed, as heir, issue in tail, tenant by the courtesy, tenant in dower, successor, special or general occupant, executor, administrator, legatee, husband, assignee, appointee, devisee or otherwise.

PART I.

LIMITATION OF PERSONAL SUITS.

Limitation of personal suits.

3. All suits or proceedings brought to recover any sum of money secured by any mortgage, chattels transfer or judgment, or charged upon and payable out of and being a lien upon any land or rent or for the recovery of any legacy or share of any inheritance or intestate estate and all actions of account between partners in land or commerce or between co-heirs, or against any executors, guardian, trustee, curator, administrator or agent, shall and may be brought at any time within twelve years next after a present right to receive or have the same shall have accrued to some person capable of giving a discharge for or release of the same, and not after twelve years, unless in the meantime some part of the principal money, or some interest thereon, shall have been paid or some acknowledgment of the right thereto or to maintain such suit, shall have been given in writing, signed by the person liable or by whom the money shall be payable or his agent, to the person entitled thereto or his agent; and in such case no such suit or proceeding shall be brought but within twelve years after such payment or acknowledgment, or the last of such payments or acknowledgments, if more than one, was given.

Arrears of rent or interest.

4. No arrears of rent or of interest in respect of any of the matters referred to in section 3 hereof nor any damages in respect of such arrears of rent or interest shall be recovered by distress or suit but within six years next after the same respectively shall have become due, or next after an acknowledgment of the same in writing shall have been given to the person entitled thereto or his agent signed by the person by whom the same was payable or his agent:

Provided nevertheless that where any prior mortgagee or other incumbrancer shall have been in possession of any land, or in the receipt of the profits thereof, within one year next before a suit shall be brought by any person entitled to a subsequent mortgage or other incumbrance on the same land,

the person entitled to such subsequent mortgage or incumbrance may recover in such suit the arrears of interest which shall have become due during the whole time that such prior mortgagee or incumbrancer was in such possession or receipt as aforesaid although such time may have exceeded the said term of six years.

5. (1) All suits for the recovery of any chattel or movable thing, or the possession thereof, all suits founded upon any simple contract and all personal suits whatsoever shall and may, unless otherwise specifically provided for in this Ordinance, be commenced and sued within six years next after the cause of such suits and not after.

Limitation of other personal suits.

(2) All suits for damage or injury to persons or property, all suits of assault, battery, wounding or imprisonment, all suits of libel and slander, and all suits of tort, shall and may, unless otherwise specifically provided for in this Ordinance, be commenced and sued within six years next after the cause of such suits and not after.

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Limitation of suits for merchant's accounts.

7. If any acknowledgment shall be made either by writing signed by the party liable upon any simple contract, or his agent, or by part payment or part satisfaction on account of any principal or interest being due thereon, it shall and may be lawful for the person entitled to bring such suit to bring his suit for the money remaining unpaid or so acknowledged to be due, within six years after such acknowledgment, or part payment, or part satisfaction, as aforesaid, or the last of such acknowledgments, part payments, or part satisfactions, if more than one:

Limitation of suits where acknowledgment or part payment.

Provided that where there are two or more co-contractors or co-debtors, whether liable jointly only or jointly and severally, no such co-contractor or co-debtor shall be chargeable by reason only of any such part payment, part-satisfaction or acknowledgment made by any other of such co-contractors or co-debtors, but the period of limitation shall be deemed to be

Limitation of
suits on any
Act, Order in
Council, or
Ordinance.

renewed only as against the co-contractor or co-debtor making such part payment, part satisfaction or acknowledgment.

8. All suits for penalties, damages or sums of money given to the party aggrieved by any Act, Order in Council or Ordinance shall be commenced and sued within two years after the cause of such suits, but not after, provided that nothing herein contained shall extend to any suit given by any Act, Order in Council or Ordinance, where the time for bringing such suit is or shall be by any such Act, Order in Council or Ordinance specially limited.

Remedy for
minors and of
unsound mind

9. If any person who is or shall be entitled to any suit for money secured by mortgage or judgment or charged upon or payable out of and being a lien upon any land or rent, or for the recovery of any legacy or share of any inheritance, or for an account as between partners in land or commerce, or between co-heirs, or as against any executor, guardian, trustee, curator, administrator or agent, or to any suit for the recovery of any chattel or movable thing, or the possession thereof, or any suit founded upon any simple contract or suits for damage or injury to persons or property or to any personal suits or suits for merchant's accounts or to suits of libel and slander, and assault, battery, wounding and imprisonment, or suits for penalties as are in this Part hereinbefore mentioned, be or shall be, at the time of any such cause of action given or accrued, fallen or to be, a minor or a person of unsound mind then such person shall be at liberty to bring the same suit within the times herein-after limited and not after; that is to say, as to the said suits for money secured by mortgage or judgment or charged upon or payable out of and being a lien upon any land or rent, or for the recovery of any legacy or share of any inheritance or of an account as between partners in land or commerce, or between co-heirs or as against any executor, guardian, trustee, curator, administrator or agent within twelve years after, and as to the said suits for the recovery of any chattel or the possession thereof, or founded upon any simple contract, or the said personal suits or suits for merchant's accounts, within six years after, and as to the said suits for damage or injury to persons or property and of libel, slander, assault, battery, wounding, imprisonment, penalties and all suits of tort unless otherwise specifically provided for in this Ordinance, within two years after such person attains the age of majority or becomes of sound mind, as the case may be.

PART II.

IMMOVABLE PROPERTY LIMITATION.

10. No person shall make an entry or distress, or bring a suit to recover any land or rent, but within twelve years next after the time at which the right to make such entry or distress, or to bring such suit, shall have first accrued to some person through whom he claims, or if such right shall not have accrued to any person through whom he claims, then within twelve years next after the time at which the right to make such entry or distress, or to bring such suit shall have first accrued to the person making or bringing the same.

No land or
rent to be
recovered but
within twelve
years after
right of action
accrued.

11. The right to make an entry or distress, or bring a suit to recover any land or rent, shall be deemed to have first accrued at such time as is hereinafter mentioned, that is to say—

When the
right shall be
deemed to
have accrued.

- (1) when the person claiming such land or rent, or some person through whom he claims, shall, in respect of the estate or interest claimed, have been in possession or receipt of the profits of such land, or in receipt of such rent, and shall, while entitled thereto, have been dispossessed, or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such dispossession or discontinuance of possession, or at the last time at which any such profits or rent were or was so received;
- (2) when the person claiming such land or rent shall claim the estate or interest of some deceased person who shall have continued in such possession or receipt in respect of the same estate or interest until the time of his death, and shall have been the last person entitled to such estate or interest who shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time of such death;
- (3) when the person claiming such land or rent shall claim in respect of an estate or interest in possession, granted, appointed or otherwise assured by any instrument (other than a will) to him, or some person through whom he claims, by a person being in respect of the same estate or interest in the possession or receipt of the profits of the land, or in the

Limitation of
suits on any
Act, Order in
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Ordinance.

renewed only as against the co-contractor or co-debtor making such part payment, part satisfaction or acknowledgment.

8. All suits for penalties, damages or sums of money given to the party aggrieved by any Act, Order in Council or Ordinance shall be commenced and sued within two years after the cause of such suits, but not after, provided that nothing herein contained shall extend to any suit given by any Act, Order in Council or Ordinance, where the time for bringing such suit is or shall be by any such Act, Order in Council or Ordinance specially limited.

Remedy for
minors and of
unsound mind

9. If any person who is or shall be entitled to any suit for money secured by mortgage or judgment or charged upon or payable out of and being a lien upon any land or rent, or for the recovery of any legacy or share of any inheritance, or intestate estate, or for an account as between partners in land or commerce, or between co-heirs, or as against any executor, guardian, trustee, curator, administrator or agent, or to any suit for the recovery of any chattel or movable thing, or the possession thereof, or any suit founded upon any simple contract, or suits for damage or injury to persons or property or to any personal suits or suits for merchant's accounts or to suits of libel and slander, and assault, battery, wounding and imprisonment, or suits for penalties as are in this Part hereinbefore mentioned, be or shall be, at the time of any such cause of action given or accrued, fallen or to be, a minor or a person of unsound mind then such person shall be at liberty to bring the same suit within the times herein-after limited and not after; that is to say, as to the said suits for money secured by mortgage or judgment or charged upon or payable out of and being a lien upon any land or rent, or for the recovery of any legacy or share of any inheritance or intestate estate, or for an account as between partners in land or commerce, or between co-heirs or as against any executor, guardian, trustee, curator, administrator or agent within twelve years after, and as to the said suits for the recovery of any chattel or the possession thereof, or founded upon any simple contract, or the said personal suits or suits for merchant's accounts, within six years after, and as to the said suits for damage or injury to persons or property and of libel, slander, assault, battery, wounding, imprisonment, penalties and all suits of tort unless otherwise specifically provided for in this Ordinance, within two years after such person attains the age of majority or becomes of sound mind, as the case may be.

PART II.

IMMOVABLE PROPERTY LIMITATION.

10. No person shall make an entry or distress, or bring a suit to recover any land or rent, but within twelve years next after the time at which the right to make such entry or distress, or to bring such suit, shall have first accrued to some person through whom he claims, or if such right shall not have accrued to any person through whom he claims, then within twelve years next after the time at which the right to make such entry or distress, or to bring such suit shall have first accrued to the person making or bringing the same.

No land or
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11. The right to make an entry or distress, or bring a suit to recover any land or rent, shall be deemed to have first accrued at such time as is hereinafter mentioned, that is to say—

When the
right shall be
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have accrued.

- (1) when the person claiming such land or rent, or some person through whom he claims, shall, in respect of the estate or interest claimed, have been in possession or receipt of the profits of such land, or in receipt of such rent, and shall, while entitled thereto, have been dispossessed, or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such dispossession or discontinuance of possession, or at the last time at which any such profits or rent were or was so received;
- (2) when the person claiming such land or rent shall claim the estate or interest of some deceased person who shall have continued in such possession or receipt in respect of the same estate or interest until the time of his death, and shall have been the last person entitled to such estate or interest who shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time of such death;
- (3) when the person claiming such land or rent shall claim in respect of an estate or interest in possession, granted, appointed or otherwise assured by any instrument (other than a will) to him, or some person through whom he claims, by a person being in respect of the same estate or interest in the possession or receipt of the profits of the land, or in the

receipt of the rent, and no person entitled under such instrument shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time at which the person claiming as aforesaid, or the person through whom he claims, became entitled to such possession or receipt by virtue of such instrument;

- (4) when the estate or interest claimed shall have been an estate or interest in reversion or remainder, or other future estate or interest, and no person shall have obtained the possession or receipt of the profits of such land or the receipt of such rent in respect of such estate or interest, then such right shall be deemed to have first accrued at the time at which such estate or interest became an estate or interest in possession;
- (5) when the person claiming such land or rent, or the person through whom he claims, shall have become entitled by reason of any forfeiture or breach of condition, then such right shall be deemed to have first accrued when such forfeiture was incurred or such condition was broken.

Entry or
distress on
breach of
condition

12. When any right to make an entry or distress, or to bring a suit to recover any land or rent, by reason of any forfeiture or breach of condition, shall have first accrued in respect of any estate or interest in reversion or remainder, and the land or rent shall have not been recovered by virtue of such right, the right to make an entry or distress or bring a suit to recover such land or rent shall be deemed to have first accrued in respect of such estate or interest at the time when the same shall have become an estate or interest in possession, as if no such forfeiture or breach of condition had happened.

Provision for
case of future
estates.

13. A right to make an entry or distress, or to bring a suit, to recover any land or rent, shall be deemed to have first accrued, in respect of an estate or interest in reversion or remainder, or other future estate or interest, at the time at which the same shall have become an estate or interest in possession, by the determination of any estate or estates in respect of which such land shall have been held, or the profits thereof or such rent shall have been received, notwithstanding the person claiming such land or rent, or some person through whom he claims, shall at any time previously to the creation

of the estate or estates which shall have determined, have been in the possession or receipt of the profits of such land, or in receipt of such rent, but if the person last entitled to any particular estate on which any future estate or interest was expectant shall not have been in the possession or receipt of the profits of such land, or in receipt of such rent, at the time when his interest determined, no such entry or distress shall be made, and no such suit shall be brought, by any person becoming entitled in possession to a future estate or interest, but within twelve years next after the time when the right to make an entry or distress, or to bring suit, for the recovery of such land or rent, shall have first accrued to the person whose interest shall have so determined, or within six years next after the time when the estate of the person becoming entitled in possession shall have become vested in possession whichever of those two periods shall be the longer; and if the right of any such person to make such entry or distress, or to bring any such suit, shall have been barred under this Ordinance, no person afterwards claiming to be entitled to the same land or rent in respect of any subsequent estate or interest under any deed, will, or settlement, executed or taking effect after the time when a right to make an entry or distress, or to bring a suit, for the recovery of such land or rent, shall have first accrued to the owner of the particular estate whose interest shall have so determined as aforesaid, shall make any such entry or distress, or bring any such suit, to recover such land or rent.

14. For the purposes of this Part, an administrator claiming the estate or interest of the deceased person of whose estate and effects he shall be appointed administrator shall be deemed to claim as if there had been no interval of time between the death of such deceased person and the grant of the letters of administration.

Rights of
administrator.

15. When any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent, as tenant at will, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress, or bring a suit to recover such land or rent, shall be deemed to have first accrued either at the determination of such tenancy, or at the expiration of one year next after the commencement of such tenancy, at which time such tenancy

Tenant at
will.

receipt of the rent, and no person entitled under such instrument shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time at which the person claiming as aforesaid, or the person through whom he claims, became entitled to such possession or receipt by virtue of such instrument;

- (4) when the estate or interest claimed shall have been an estate or interest in reversion or remainder, or other future estate or interest, and no person shall have obtained the possession or receipt of the profits of such land or the receipt of such rent in respect of such estate or interest, then such right shall be deemed to have first accrued at the time at which such estate or interest became an estate or interest in possession;
- (5) when the person claiming such land or rent, or the person through whom he claims, shall have become entitled by reason of any forfeiture or breach of condition, then such right shall be deemed to have first accrued when such forfeiture was incurred or such condition was broken.

Entry or
distress on
breach of
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12. When any right to make an entry or distress, or to bring a suit to recover any land or rent, by reason of any forfeiture or breach of condition, shall have first accrued in respect of any estate or interest in reversion or remainder, and the land or rent shall have not been recovered by virtue of such right, the right to make an entry or distress or bring a suit to recover such land or rent shall be deemed to have first accrued in respect of such estate or interest at the time when the same shall have become an estate or interest in possession, as if no such forfeiture or breach of condition had happened.

Provision for
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13. A right to make an entry or distress, or to bring a suit, to recover any land or rent, shall be deemed to have first accrued, in respect of an estate or interest in reversion or remainder, or other future estate or interest, at the time at which the same shall have become an estate or interest in possession, by the determination of any estate or estates in respect of which such land shall have been held, or the profits thereof or such rent shall have been received, notwithstanding the person claiming such land or rent, or some person through whom he claims, shall at any time previously to the creation

of the estate or estates which shall have determined, have been in the possession or receipt of the profits of such land, or in receipt of such rent, but if the person last entitled to any particular estate on which any future estate or interest was expectant shall not have been in the possession or receipt of the profits of such land, or in receipt of such rent, at the time when his interest determined, no such entry or distress shall be made, and no such suit shall be brought, by any person becoming entitled in possession to a future estate or interest, but within twelve years next after the time when the right to make an entry or distress, or to bring suit, for the recovery of such land or rent, shall have first accrued to the person whose interest shall have so determined, or within six years next after the time when the estate of the person becoming entitled in possession shall have become vested in possession whichever of those two periods shall be the longer; and if the right of any such person to make such entry or distress, or to bring any such suit, shall have been barred under this Ordinance, no person afterwards claiming to be entitled to the same land or rent in respect of any subsequent estate or interest under any deed, will, or settlement, executed or taking effect after the time when a right to make an entry or distress, or to bring a suit, for the recovery of such land or rent, shall have first accrued to the owner of the particular estate whose interest shall have so determined as aforesaid, shall make any such entry or distress, or bring any such suit, to recover such land or rent.

14. For the purposes of this Part, an administrator claiming the estate or interest of the deceased person of whose estate and effects he shall be appointed administrator shall be deemed to claim as if there had been no interval of time between the death of such deceased person and the grant of the letters of administration.

Rights of
administrator.

15. When any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent, as tenant at will, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress, or bring a suit to recover such land or rent, shall be deemed to have first accrued either at the determination of such tenancy, or at the expiration of one year next after the commencement of such tenancy, at which time such tenancy

Tenant at
will.

shall be deemed to have determined or at the last time when any rent payable in respect of such tenancy shall have been received, whichever shall last happen:

Provided always that no mortgagor or cestui que trust shall be deemed to be a tenant at will, within the meaning of this section, in his mortgagee or trustee.

Tenant from year to year.

16. When any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent, as tenant from year to year or other period, without any lease in writing, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress, or to bring a suit to recover such land or rent, shall be deemed to have first accrued at the determination of the first of such years or other periods, or at the last time when any rent payable in respect of such tenancy shall have been received, whichever shall last happen.

Accrual of right where rent amounting to Sh. 20 or upwards reserved by a lease in writing shall have been wrongfully claimed.

17. When any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent, by virtue of a lease in writing, by which a rent amounting to the yearly sum of twenty shillings or upwards shall be reserved and the rent reserved by such lease shall have been received by some person wrongfully claiming to be entitled to such land or rent in reversion immediately expectant on the determination of such lease, and no payment in respect of the rent reserved by such lease shall afterwards have been made to the person rightfully entitled thereto, the right of the person entitled to such land or rent subject to such lease, or of the person through whom he claims, to make an entry or distress, or to bring a suit after the determination of such lease, shall be deemed to have first accrued at the time at which the rent reserved by such lease was first so received by the person wrongfully claiming as aforesaid; and no such right shall be deemed to have first accrued upon the determination of such lease to the person rightfully entitled.

Effect of entry.

18. No person shall be deemed to have been in possession of any land within the meaning of this Part merely by reason of having made an entry thereon; and no continual or other claim upon or near any land shall preserve any right of making an entry or distress or of bringing a suit.

Limitation of suits by mortgagees.

19. It shall and may be lawful for any person entitled to or claiming under any mortgage of land whereby the legal estate in the land comprised in the mortgage shall be con-

veyed, to make an entry or bring a suit to recover such land at any time within twelve years next after the last payment of any part of the principal or interest money secured by such mortgage, although more than twelve years may have elapsed since the time at which the right to make such entry or bring such suit shall have first accrued.

20. (1) When a mortgagee shall have obtained the possession or receipt of the profits of any land or the receipt of any rent comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring any suit to redeem the mortgage but within twelve years next after the time at which the mortgagee obtained such possession or receipt, unless in the meantime an acknowledgment in writing of the title of the mortgagor, or of his right to redemption, shall have been given to the mortgagor or some person claiming his estate, or to the agent of such mortgagor or person, signed by the mortgagee or the person claiming through him; and in such case no such suit shall be brought but within twelve years next after the time at which such acknowledgment, or the last of such acknowledgments, if more than one, was given.

Mortgagor to be barred at end of twelve years from the time when the mortgagee took possession or from the last written acknowledgment.

(2) Where there shall be more than one mortgagor, or more than one person claiming through the mortgagor or mortgagors, such acknowledgment, if given to any of such mortgagors or persons, or his or their agent, shall be as effectual as if the same had been given to all such mortgagors or persons.

(3) Where there shall be more than one mortgagee, or more than one person claiming the estate or interest of the mortgagee or mortgagees, such acknowledgment, signed by one or more of such mortgagees or persons, shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the mortgage money or land or rent by, from, or under him or them, and any person or persons entitled to any estate or estates, interest or interests, to take effect after or in defeasance of his or their estate or estates, interest or interests, and shall not operate to give to the mortgagor or mortgagors a right to redeem the mortgage as against the person or persons entitled to any other undivided or divided part of the money or land or rent.

shall be deemed to have determined or at the last time when any rent payable in respect of such tenancy shall have been received, whichever shall last happen :

Provided, always that no mortgagor or cestui que trust shall be deemed to be a tenant at will, within the meaning of this section, to his mortgagee or trustee.

Tenant from
year to year.

16. When any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent, as tenant from year to year or other period, without any lease in writing, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress, or to bring a suit to recover such land or rent, shall be deemed to have first accrued at the determination of the first of such years or other periods, or at the last time when any rent payable in respect of such tenancy shall have been received, whichever shall last happen.

Accrual of
right where
rent amount-
ing to Sh. 20
or upwards
reserved by a
lease in
writing shall
have been
wrongfully
claimed.

17. When any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent, by virtue of a lease in writing, by which a rent amounting to the yearly sum of twenty shillings or upwards shall be received and the rent reserved by such lease shall have been received by some person wrongfully claiming to be entitled to such land or rent in reversion immediately expectant on the determination of such lease, and no payment in respect of the rent reserved by such lease shall afterwards have been made to the person rightfully entitled thereto, the right of the person entitled to such land or rent subject to such lease, or of the person through whom he claims, to make an entry or distress, or to bring a suit after the determination of such lease, shall be deemed to have first accrued at the time at which the rent reserved by such lease was first so received by the person wrongfully claiming as aforesaid; and no such right shall be deemed to have first accrued upon the determination of such lease to the person rightfully entitled.

Effect of
entry

18. No person shall be deemed to have been in possession of any land within the meaning of this Part merely by reason of having made an entry thereon; and no continual or other claim upon or near any land shall preserve any right of making an entry or distress or of bringing a suit.

Limitation of
suits by
mortgagees.

19. It shall and may be lawful for any person entitled to or claiming under any mortgage of land whereby the legal estate in the land comprised in the mortgage shall be con-

veyed, to make an entry or bring a suit to recover such land at any time within twelve years next after the last payment of any part of the principal or interest money secured by such mortgage, although more than twelve years may have elapsed since the time at which the right to make such entry or bring such suit shall have first accrued.

20. (1) When a mortgagee shall have obtained the possession or receipt of the profits of any land or the receipt of any rent comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring any suit to redeem the mortgage but within twelve years next after the time at which the mortgagee obtained such possession or receipt, unless in the meantime an acknowledgment in writing of the title of the mortgagor, or of his right to redemption, shall have been given to the mortgagor or some person claiming his estate, or to the agent of such mortgagor or person, signed by the mortgagee or the person claiming through him; and in such case no such suit shall be brought but within twelve years next after the time at which such acknowledgment, or the last of such acknowledgments, if more than one, was given.

Mortgagor to
be barred
at end of
twelve years
from the time
when the
mortgagee
took possession
or from the
last written
acknowledg-
ment

(2) Where there shall be more than one mortgagor, or more than one person claiming through the mortgagor or mortgagors, such acknowledgment, if given to any of such mortgagors or persons, or his or their agent, shall be as effectual as if the same had been given to all such mortgagors or persons.

(3) Where there shall be more than one mortgagee, or more than one person claiming the estate or interest of the mortgagee or mortgagees, such acknowledgment, signed by one or more of such mortgagees or persons, shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the mortgage money or land or rent by, from, or under him or them, and any person or persons entitled to any estate or estates, interest or interests, to take effect after or in defeasance of his or their estate or estates, interest or interests, and shall not operate to give to the mortgagor or mortgagors a right to redeem the mortgage as against the person or persons entitled to any other undivided or divided part of the money or land or rent.

(4) Where such of the mortgagees or persons aforesaid as shall have given such acknowledgment shall be entitled to a divided part of the land or rent comprised in the mortgage or some estate or interest therein, and not to any ascertained part of the mortgage money, the mortgagor or mortgagors shall be entitled to redeem the same divided part of the land or rent on payment, with interest, of the part of the mortgage money which shall bear the same proportion to the whole of the mortgage money as the value of such divided part of the land or rent shall bear to the value of the whole of the land or rent comprised in the mortgage.

Possession of one co-heir not to be the possession of others.

21. When any one or more of several persons entitled to any land or rent as co-heirs, joint tenants, or tenants in common, shall have been in possession or receipt of the entirety, or more than his or their undivided share or shares, of such land or of the profits thereof, or of such rent, for his or their own benefit, or for the benefit of any person or persons other than the person or persons entitled to the other share or shares of the same land or rent, such possession or receipt shall not be deemed to have been the possession or receipt of or by such last-mentioned person or persons or any of them.

Effect of acknowledgment of title.

22. When any acknowledgment of the title of the person entitled to any land or rent shall have been given to him or his agent in writing, signed by the person in possession or in receipt of the profits of such land, or in receipt of such rent, then such possession or receipt of or by the person by whom such acknowledgment shall have been given, shall be deemed, according to the meaning of this Ordinance, to have been the possession or receipt of or by the person to whom or to whose agent such acknowledgment shall have been given at the time of giving the same, and the right of such last-mentioned person, or any person claiming through him, to make an entry or distress or bring a suit to recover such land or rent shall be deemed to have first accrued at and not before the time at which such acknowledgment, or the last of such acknowledgments, if more than one, was given.

Persons under disability to be allowed six years after disability ceases.

23. If at the time at which the right of any person to make an entry or distress, or bring a suit to recover any land or rent, shall have first accrued as aforesaid, such person shall have been under any of the disabilities hereinafter mentioned; that is to say, shall have been a minor or a person of unsound mind, then such person or the person claiming

through him may, notwithstanding that the period of twelve or six years (as the case may be) hereinbefore limited shall have expired, make an entry or distress, or bring a suit to recover such land or rent, at any time within six years next after the time at which the person to whom such right shall have first accrued as aforesaid shall have ceased to be under any such disability, or shall have died, whichever shall have first happened.

24. No entry, distress or suit shall be made or brought by any person who, at the time at which his right to make an entry or distress or to bring a suit to recover any land or rent shall have first accrued, shall be under any of the disabilities hereinbefore mentioned, or by any person claiming through him, but within thirty years next after the time at which such right shall have first accrued, although the person under disability at such time may have remained under one or more of such disabilities during the whole of such thirty years, or although the term of six years from the time at which he shall have ceased to be under any such disability, or have died, shall not have expired.

But no suit shall be brought beyond thirty years after right accrued.

25. When any person shall be under any of the disabilities hereinbefore mentioned at the time at which his right to make an entry or distress, or to bring a suit to recover any land or rent, shall have first accrued, and shall die without having ceased to be under any such disability, no time to make an entry or distress, or to bring a suit to recover such land or such rent, beyond the said period of twelve years next after the right of such person to make an entry or distress, or to bring a suit to recover such land or rent, shall have first accrued, or the said period of six years next after the time at which such person shall have died, shall be allowed by reason of any disability of any other person.

No further time to be allowed for a succession of disabilities.

26. When the right of any person to make an entry or distress, or to bring a suit to recover any land or rent to which he may have been entitled for an estate or interest in possession, shall have been barred by the determination of the period hereinbefore limited, which shall be applicable in such case, and such person shall, at any time during the said period, have been entitled to any other estate, interest, right, or possibility in reversion, remainder or otherwise, in or to the same land or rent, no entry, distress or suit shall be made or brought by such person, or any person claiming through

Barred of successive rights.

him, to recover such land or rent, in respect of such other estate, interest, right or possibility, unless in the meantime such land or rent shall have been recovered by some person entitled to an estate, interest or right which shall have been limited or taken effect after or in defeasance of such estate or interest in possession.

In case of
express trust,
the right not
to secure
until
conveyance.

27. (1) When any land or rent shall be vested in a trustee upon any express trust, the right of the cestui que trust, or any person claiming through him, to bring a suit against the trustee, or any person claiming through him, to recover such land or rent, shall be deemed to have first accrued, according to the meaning of this Ordinance, at, and not before the time at which such land or rent shall have been conveyed to a purchaser for a valuable consideration, and shall then be deemed to have accrued only as against such purchaser and any person claiming through him.

(2) (i) In any action or other proceeding against a trustee or any person claiming through him, except where the claim is founded upon any fraud or fraudulent breach of trust to which the trustee was party or privy, or is to recover trust property, or the proceeds thereof still retained by the trustee, or previously received by the trustee and converted to his use, the following provisions shall apply—

(a) all rights and privileges conferred by any law of limitations shall be enjoyed in the like manner and to the like extent as they would have been enjoyed in such suit or other proceeding if the trustee or person claiming through him had not been a trustee or person claiming through him;

(b) if the suit or other proceeding is brought to recover money or other property, and is one to which no existing law of limitations applies, the trustee or person claiming through him shall be entitled to the benefit of and be at liberty to plead the lapse of time as a bar to such suit or other proceeding in the like manner and to the like extent as if the claim had been against him in a suit of debt for money had and received but so nevertheless that the law shall run against a married woman entitled in possession for her separate use, whether with or without a restraint upon anticipation, but shall not begin to run against any beneficiary unless and until the interest of such beneficiary shall be an interest in possession.

(ii) No beneficiary, as against whom there would be a good defence by virtue of this section, shall derive any greater or other benefit from a judgment or order obtained by another beneficiary than he could have obtained if he had brought such suit or other proceeding and this section had been pleaded.

(iii) This section shall apply only to suits or other proceedings commenced after the coming into operation of this Ordinance, and shall not deprive any executor or administrator of any right or defence to which he is entitled under any existing law of limitation.

(3) After the commencement of this Ordinance no suit, or other proceeding shall be brought to recover any sum of money or legacy charged upon or payable out of any land or rent, at law or in equity, and secured by an express trust, or to recover any arrears of rent or of interest in respect of any sum of money or legacy so charged or payable and so secured, or any damages in respect of such arrears, except within the time within which the same would be recoverable if there were not any such trust.

28. In every case of a concealed fraud, the right of any person to bring a suit in equity for the recovery of any land or rent of which he, or any person through whom he claims, may have been deprived by such fraud, shall be deemed to have first accrued at and not before the time at which such fraud shall, or with reasonable diligence might, have been first known or discovered:

In case of
fraud, no
time shall run
while fraud
concealed.

X

Provided that nothing in this section contained shall enable any owner of lands or rents to have a suit in equity for the recovery of such lands or rents, or for setting aside any conveyance of such lands or rents on account of fraud, against any bona fide purchaser for valuable consideration who has not assisted in the commission of such fraud, and who at the time that he made the purchase did not know and had no reason to believe that any such fraud had been committed.

29. At the determination of the period limited by this Part to any person for making an entry or distress, or bringing any suit, the right and title of such person to the land or rent for the recovery whereof such entry, distress, or suit respectively might have been made or brought within such period shall be extinguished.

Extinguish-
ment of right.

Receipt of rent to be deemed receipt of profits.

30. The receipt of the rent payable by any tenant from year to year, or other lessee, shall, as against such lessee or any person claiming under him (but subject to the lease), be deemed to be the receipt of the profits of the land for the purposes of this Part.

Rights of action by and against personal representative.

31. (1) For any debt (including arrears of rent) due to a deceased person, and for any injury to or right in respect of his personal estate in his lifetime, his personal representative shall have the same right of action as the deceased would have had if alive.

(2) The personal representative of a deceased person may maintain for any injury committed to the immovable property of the deceased within six months before his death any suit which the deceased could have maintained, but the suit must be brought within one year after his death, and any damages recovered in the suit shall be part of the personal estate of the deceased.

(3) A personal representative may distrain for arrears of a rent charge due or accruing to the deceased in his lifetime on the land affected or charged therewith, so long as the land remains in the possession of the person liable to pay the rent charge or of the persons deriving title under him, and in like manner as the deceased might have done had he been living.

(4) A personal representative may distrain upon land for arrears of rent due or accruing to the deceased in like manner as the deceased might have done had he been living.

Such arrears may be distrained for after the termination of the lease or tenancy as if the term or interest had not determined, if the distress is made—

- (a) within six months after the termination of the lease or tenancy;
- (b) during the continuance of the possession of the lessee or tenant from whom the arrears were due.

The law for the time being in force relating to distress for rent shall apply to any distress made pursuant to this sub-section.

(5) A suit may be maintained against the personal representative of a deceased person for any wrong committed by the deceased within six months before his death to another person in respect of his property, movable or immovable, but

the suits shall be brought within six months after the personal representative of the deceased has taken out representation.

Any damages recovered in the proceedings shall be payable as a simple contract debt incurred by the deceased.

(6) A suit may be maintained against the personal representative of a deceased person for any breach of contract or breach of trust committed by the deceased subject to the same periods of limitation as would have applied had the deceased been living.

PART III

GENERAL AND SUPPLEMENTARY.

32. All instruments shall, for the purposes of this Ordinance, be deemed to be made with reference to the British calendar.

Computation of time mentioned in instrument.

33. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from the Colony shall not be excluded.

Time of defendant's absence from the Colony not to be excluded.

34. Where the period of limitation prescribed for any suit, or application expires on a day when the Court is closed, the suit or application may be instituted, preferred or made on the day that the Court re-opens.

Where court is closed when period expires.

35. Nothing in this Ordinance contained shall be deemed to interfere with any rule or jurisdiction of any Court of Equity in refusing relief on the grounds of acquiescence or otherwise to any person whose right to bring a suit may not be barred by virtue of this Ordinance.

Saving the jurisdiction of Equity.

36. The provisions of this Ordinance shall apply, so far as may be, to debts alleged by way of set-off or counter-claim.

Set-off and counter-claim.

37. (1) Suits instituted in the Colony on contracts entered into in a foreign country are subject to the rules of limitation contained in this Ordinance.

Suits on foreign contracts.

(2) No foreign law of limitation shall be a defence to a suit instituted in the Colony on a contract entered into in a foreign country, unless the foreign law has extinguished the contract during the period prescribed by such foreign law.

Savings.

38. (1) Nothing in this Ordinance shall—

- (a) affect the provisions of section 25 of the Indian Contract Act, 1872, as applied to the Colony;
- (b) affect or alter any period of limitation specially prescribed for any suit or application by any Ordinance or law now or hereafter in force in the Colony;
- (c) apply to suits under the Divorce Ordinance;
- (d) in a suit where the period of limitation prescribed by this Ordinance is longer than the period of limitation prescribed by the Indian Limitation Act, 1877, as applied to the Colony, revive a suit which, on the date of the coming into force of this Ordinance, would have been barred under the said Indian Limitation Act.

Provisions for suits for which the period prescribed is shorter than that prescribed by the Indian Limitation Act, 1877

39. Notwithstanding anything herein contained, any suit for which the period of limitation prescribed by this Ordinance is shorter than the period of limitation prescribed by the Indian Limitation Act, 1877, as applied to the Colony, may be instituted within the period of two years next after the commencement of this Ordinance, or within the period prescribed for such suit by the Indian Limitation Act, 1877, whichever period expires first.

Limitation may be pleaded specifically

40. Notwithstanding anything contained in this Ordinance or in any law or Ordinance now or hereafter in force in the Colony, no suit, application or proceeding shall be rejected or dismissed on the grounds that such suit, application or proceeding is barred by the provisions of this Ordinance or by the provisions of any other law or Ordinance now or hereafter in force in the Colony, unless such provision or provisions are or are specifically pleaded.

Repeal

41. The Indian Limitation Act, 1877, as applied to the Colony save in so far as it relates to prescription is hereby repealed.

Provided that where in the said Indian Limitation Act any act, matter or thing is required to be done within a specified period, and a period of limitation in respect of any such act, matter or thing is not provided for in this Ordinance or in any other law or Ordinance now or hereafter in force in

the Colony then, notwithstanding the provisions of this section, the period of limitation provided for in the said Indian Limitation Act in respect of the said act, matter or thing shall remain in full force and effect.

Passed in the Legislative Council the tenth day of May, in the year of Our Lord one thousand nine hundred and thirty-four.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

J. F. G. TROUGHTON

Acting Clerk of the Legislative Council.

LEGAL REPORT

THE LIMITATION BILL, 1934

This Bill is designed to substitute modern legislation for the Indian Limitation Act, 1877, which, although replaced in India by the Act of 1908, is still the law of limitation applicable to this Colony.

The Governments of Kenya, Uganda, Tanganyika, Nyasaland and Northern Rhodesia, recognizing the importance of achieving uniformity on the question of limitation, have each agreed to introduce legislation based substantially on the English Acts and conforming, wherever practicable, to the law in force in the other territories. This Bill has been drafted in pursuance of that agreement.

*no bill of
H. in the
print.*

With the exception of a few Clauses which have been drawn from the Indian Act of 1908 the Bill in general follows the provisions of the English Limitation Statutes and is either modelled directly upon them or upon Colonial law which embodies them. In two respects, however, the Bill departs from English law. The period of limitation for all suits of tort has been fixed at two years, and no reference has been made in regard to mixed suits.

A Comparative Table showing the origin of the different sections is enclosed.

In my opinion, His Excellency the Governor may properly assent to this Bill in the name and on behalf of His Majesty.

Nairobi,
16th May, 1934.

W. H. ...
ATTORNEY GENERAL

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COMPARATIVE TABLE
THE LIMITATION BILL, 1934.

Clause of the Bill.	Corresponding section of Trinidad.	Corresponding section of Imperial Statute.	Other sources and remarks.
1.			Short title.
2. (1)			<p>The definition of "person" is taken from Chapter 45 (Trinidad) section 2.</p> <p>The definition of "rent" is taken from 3 & 4 Will. IV. (Imperial) c. 27 section 1.</p> <p>The definition of "person of unsound mind" is taken from Order XIII, Rule 15 of the Kenya Civil Procedure Rules, 1927.</p> <p>The definition of "minor" is new.</p>
2. (2)			Cf. 3 & 4 Will. IV. (Imperial) c. 27 section 1.
3.	Cap. 46 s. 3.	Cf. 21 Jac. I Cap. 16, section 1.	<p>Cf. 37 & 38 Vict. Cap. 57 section 8 and 23 & 24 Vict. Cap. 58 section 13.</p> <p>(As to intestate estates)</p> <p>The reference to "chattels transfer" is new.</p>
4.	Cap. 46 s. 4.	Cf. 3 & 4 Will. IV Cap. 27 section 42.	The proviso is derived from the Imperial Act.
5.	Cap. 46 s. 5.	Cf. 21 Jac. I Cap. 16, section 3.	The periods of limitation have been altered to suit local conditions.
6.	Cap. 46 s. 6.	Cf. 18 & 20 Vict. Cap. 97 section 9.	The period of six years in the Imperial Act has been retained.
7.	Cap. 46 s. 7.	Cf. 3 Geo. IV Cap. 14, section 1.	<p>The period has been fixed at 6 years; the proviso is derived from the Imperial Act and also from 18 & 20 Vict. Cap. 97 section 14.</p>

Clause of the Bill	Corresponding section of Trinidad.	Corresponding section of Imperial Statute.	Other sources and remarks.
8.	Cap.46 s.8.		
9.	Cap.46 s.10.	Cf.21 Jac.I Cap. 16 section 7.	With the necessary alterations to the periods of limitation.
10.	Cap.47 s.3.		The period of 16 years is changed to 12.
11.	Cap.47 s.4.	Cf.37 & 38 Vict. Cap.57 section 2.	
12.	Cap.47 s.5.		
13.	Cap.47 s.6.	Cf.37 & 38 Vict. Cap.57 section 2.	The section in the Imperial Act has been followed exactly.
14.	Cap.47 s.7.	Cf.3 & 4 Will.IV Cap.27 section 6.	
15.	Cap.47 s.8.	Cf.3 & 4 Will.IV Cap.27 section 7.	The words in the last three lines of the Clause "or at the last time when any rent payable in respect of such tenancy shall have been received, which ever shall last happen" are new. The proviso is derived from the Imperial Act.
16.	Cap.47 s.9.	Cf.3 & 4 Will.IV Cap.27 section 8.	
17.	Cap.47 s.10.	Cf.3 & 4 Will.IV Cap.27 section 9.	
18.	Cap.47 s.11.	Cf.3 & 4 Will.IV Cap.27 sections 10 and 11.	
19.	Cap.47 s.12.	Cf.7 Will.IV and Vict.Cap.28 section 1.	The period is altered to 12 years.
20.	Cap.47 s.13.	Cf.37 & 38 Vict. Cap.27 section 7.	The section in the Imperial Act has been followed exactly.

Clause of the Bill	Corresponding section of Trinidad.	Corresponding section of Imperial Statute.	Other sources and remarks.
8.	Cap.46 s.8.		
9.	Cap.46 s.10.	Cf.21 Jac.I Cap. 16 section 7.	With the necessary alterations to the periods of limitation.
10.	Cap.47 s.3.		The period of 16 years is changed to 12.
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12.	Cap.47 s.5.		
13.	Cap.47 s.6.	Cf.37 & 38 Vict. Cap.57 section 2.	The section in the Imperial Act has been followed exactly.
14.	Cap.47 s.7.	Cf.3 & 4 Will.IV Cap.27 section 6.	
15.	Cap.47 s.8.	Cf.3 & 4 Will.IV Cap.27 section 7.	The words in the last three lines of the Clause "or at the last time when any rent payable in respect of such tenancy shall have been received, which ever shall last happen" are new. The proviso is derived from the Imperial Act.
16.	Cap.47 s.9.	Cf.3 & 4 Will.IV Cap.27 section 8.	
17.	Cap.47 s.10.	Cf.3 & 4 Will.IV Cap.27 section 9.	
18.	Cap.47 s.11.	Cf.3 & 4 Will.IV Cap.27 sections 10 and 11.	
19.	Cap.47 s.12.	Cf.7 Will.IV and Vict.Cap.28 section 1.	The period is altered to 12 years.
20.	Cap.47 s.13.	Cf.37 & 38 Vict. Cap.57 section 7.	The section in the Imperial Act has been followed exactly.

Clause of the Bill.	Corresponding section of Trinidad.	Corresponding section of Imperial Statute.	Other sources and remarks.
21.	Cap.47 s.14.	Cf.3 & 4 Will.IV Cap.27 section 12.	
22.	Cap.47 s.15.	Cf.3 & 4 Will.IV Cap.27 section 14.	
23.	Cap.47 s.16.	Cf.37 & 38 Vic. Cap.57 section 5.	The section of the Imperial Act has been followed exactly.
24.	Cap.47 s.17.	Cf.37 & 38 Vic. Cap.57 section 5.	
25.	Cap.47 s.18.	Cf.3 & 4 Will.IV Cap.27 section 18.	The section of the Imperial Act has been followed except for minor alterations and the substitution of 6 and 12 years for 10 and 20 years.
26.	Cap.47 s.19.	Cf.3 & 4 Will.IV Cap.27 section 20.	
27.(1).	Cap.47 s.20.	Cf.3 & 4 Will.IV Cap.27 section 25.	
27(2).		Cf.51 & 52 Vic. Cap.59 section 8.	
27.(3).		Cf.37 & 38 Vic. Cap.57 section 10.	
28.	Cap.47 s.21.	Cf.3 & 4 Will.IV Cap.27 section 26.	
29.	Cap.47 s.22.	Cf.3 & 4 Will.IV. Cap.27 section 34.	
30.	Cap.47 s.23.	Cf.3 & 4 Will.IV. Cap.27 section 36.	
31.(1).		Cf.15 Geo.V Cap. 23 section 26(1).	
(2).		Cf.15 Geo.V Cap. 23 section 26(2).	
(3).		Cf.15 Geo.V Cap. 23 section 26(3).	

Clause of the Bill.	Corresponding section of Trinidad.	Corresponding section of Imperial Statute.	Other sources and remarks.
31. (4)		Cf. 15 Geo.V Cap. 23 section 26(4).	
(5)		Cf. 15 Geo.V Cap. 23 section 26(5).	
(6)			New.
32.			Cf. Indian Limitation Act, 1908, section 25. It is considered that once limitation had commenced it should continue until it expires by the effluxion of time.
35.			Cf. Indian Limitation Act, 1908, section 13. The word "not" in the last line is new.
34.			Cf. Indian Limitation Act, 1908, section 4.
35.		Cf. 3 & 4 Will. IV. Cap. 27 section 27.	
36.		Cf. 9 Geo. IV Cap. 14 section 4.	The proviso as to counterclaim is new.
37.			Cf. Indian Limitation Act, 1908, section 11.
38.			Cf. Indian Limitation Act, 1908, section 29. Paragraph (d) is new.
39.			Cf. Indian Limitation Act, 1908, section 30.
40.			New.
41.			New. Pending the enactment of new Prescription legislation in the Colony the Prescription provisions of the Indian Limitation Act, 1877, are retained. The proviso has been inserted in order to retain certain periods of limitation provided for in the Indian Act but which may not be covered in the Ordinance.