

No. VII.

An Act to alter the Law respecting remedies for Trespass to Land. [31st March, 1884.]

LIMITATION OF
ACTIONS FOR
TRESPASS.

WHEREAS it is desirable to discourage actions between neighbours Preamble.
for trifling and long past trespasses on land the title to which
is not in dispute Be it therefore enacted by the Queen's Most Excel-
lent Majesty by and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in Parliament
assembled and by the authority of the same as follows:—

1. This Act may be cited as the “Limitation of Actions for Short title.
Trespass Act of 1884.”

2. In any action to be brought in respect of any trespass to Limitation of time
for actions if title
undisputed.
land committed after the passing of this Act the plaintiff's title to or
possession of which the defendant shall not by his defence have disputed
the plaintiff shall not recover any damages for any act of trespass
committed more than twelve months before the action shall have been
begun Provided always that nothing hereinbefore contained shall
apply to any plaintiff who at the time when such act of trespass was
committed was beyond seas or under any legal disability.

3. When in any such action brought in the Supreme Court the Recommencement
of Supreme Court
actions in District
Court on admission
of title.
defendant by his pleas shall have admitted the plaintiff's title to and
possession of the land alleged to have been trespassed upon the
plaintiff may begin his action *de novo* for not more than two hundred
pounds in the nearest District Court of the district in which the
alleged trespasses have been committed which commencement of action
in the District Court shall operate as a stay of proceedings in the
Supreme Court action and in such District Court action the parties
shall be bound by their pleadings in the Supreme Court action and all
the costs incurred in such Supreme Court action up to such admission
shall be costs in the cause to abide the event of the trial in the District
Court And in all such actions continued by the plaintiff in the
Supreme Court after such admission as aforesaid the plaintiff shall if Otherwise no more
costs than damages.
his verdict do not exceed two hundred pounds recover only the same
costs as he would have recovered in the District Court.

4. This Act shall come into force on the first day of May next. Act comes into force.