

## CAP. XLII.

An Act to remove all doubts respecting the interpretation of article 42*b* of the Code of Civil Procedure, as added by article 5862 of the Revised Statutes of the Province of Quebec, respecting suits on foreign judgments.

[Assented to 30th December, 1890.]

**W**HEREAS article 5862 of the Revised Statutes of the Preamble. Province of Quebec, among other things, provides that in any suit brought upon a judgment rendered by a provincial court in any other province of the Dominion of Canada, in a suit in which personal service was made on the delendant within such other Province, or in which, in the absence of such personal service, the defendant appeared, no defence that might have been set up to the original suit can be made and pleaded to the suit on such judgment, and whereas it is necessary to interpret the said article ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 42*b* of the Code of Civil Procedure, as added by article 5862 of the Revised Statutes of the Province of Quebec, does not apply to any case in which there is question of enacting or deciding upon a right of property in the Province of Quebec, or the jurisdiction of a foreign court respecting such right of property, or to give effect to any judgment of any such court pronouncing upon the validity of any title to property situated in the Province of Quebec ; and such judgment may always be revised by the courts of this Province, upon any application made to have the judgment executed or declared executory in this Province, as if such action originally instituted before the foreign court had been instituted before the courts of this Province, notwithstanding personal service and pleas filed by the defendant before such foreign court.

Article 42*b* of C. C. P. interpreted and application limited.

2. This act shall come into force on the day of its sanction. Coming into force.