

C A P. X I V .

An act to amend chapter 90 of the consolidated statutes for Lower Canada, with respect to judgments rendered out of this province.

[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

C. S. L. C., c. 90, ss. 1, 2, 3, 4, replaced.

1. Sections one, two, three and four of chapter ninety of the consolidated statutes for Lower Canada are repealed and are replaced by the following sections:

Judgment outside of Canada.

“1. In any suit brought in this province upon a judgment rendered out of the Dominion of Canada, any defence set up or that might have been set up to the original suit, may be pleaded to the suit upon such judgment.”

Judgment in another province of Canada.

“2. In any suit brought in this province 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 defendant 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 upon such judgment.”

Suits against Corporations.

“3. In the case of a suit against a corporation, service within such other province on the officer or officers indicated in the charter or in the law under which the charter has been granted, or if such officer or officers cannot be found within such other province, service therein on any person through whom by the law of such other province a valid service on such corporation can be made, shall be held to be personal service to bring the case under the provisions of the preceding section.”

Judgment in another province.

“4. In any suit brought in this province upon a judgment rendered by a provincial court in any other province of the Dominion of Canada, in a suit in which the defendant was not personally served within such other province, or in which in the absence of personal service he did not appear, any defence that might have been set up to the original suit, may be made and pleaded to the suit upon such judgment.”

Pending cases.

2. This act shall not apply to judgments now rendered nor to pending cases.