

Meredith, C. J., MacMahon, J.]

[April 2.

YOUNG v. DOMINION CONSTRUCTION CO.

*Writ of summons—Substituted service—Foreign corporation—Rules 146,
167—Waiver—Appearance.*

The order of BOYD, C., ante 240, setting aside an order for substituted service, was affirmed on appeal.

The Court declined to consider the question whether the defendants had waived proper service by entering a conditional appearance, there having been no evidence before the Chancellor that an appearance had been entered, and he having refused to consider it.

A. M. Lewis, for plaintiff. *D'Arcy Tate* for defendants.

Province of Manitoba.

QUEEN'S BENCH.

Full Court.]

BLANCHARD v. MUIR.

[March 10.

*Statute of Limitations—Transcript of judgment—County Courts Act,
R.S.M. c. 33, s. 193—Real Property Limitation Act, R.S.M. c. 89,
s. 24.*

Held, following *Jay v. Johnstone*, (1893) 1 Q.B. 25, and *McKensie v. Fletcher*, 11 M.R., 544, that section 24 of the Real Property Limitation Act, R.S.M. c. 89, applies to any judgment whether charged on land or not, and that no proceedings can be taken to enforce a judgment after the lapse of ten years from the date of its recovery; also that the filing of a transcript of a County Court judgment in the Queen's Bench under section 193 of the County Courts Act, R.S.M. c. 33, since repealed, had not so far the effect of making the same a new judgment as to give a new point of time for the running of the statute.

Although the filing of such transcript made the judgment a judgment of the Queen's Bench, and all proceedings might "be thereupon taken and had as on any other judgment of said last mentioned Court," there was no real further adjudication, as no notice to the debtor was necessary, and, if such a proceeding had the effect of giving a fresh point of departure of the period of limitation, the judgment by being transferred under said statute from one County Court to another might be kept alive for an unlimited