

The actions were brought respectively by Louis and Fabien Richer to recover moneys alleged to be due to the plaintiffs, but which, the defendants said, they were prevented from paying by reason of garnishee proceedings taken by one Lauzon in a Quebec Court.

The appeals were heard by MEREDITH, C.J.C.P., RIDDELL, LATCHFORD, MIDDLETON, and LENNOX, JJ.

H. W. Shapley, for the appellants.

J. A. Macintosh, for the plaintiffs, respondents.

MIDDLETON, J., in a written judgment, said that Lauzon, on the 6th February and 4th March, 1919, recovered a judgment in the Superior Court of the Province of Quebec against Louis Richer and Fabien Richer for \$1,797 with interest and costs. On the 4th October, 1920, a process called "tiers-saisie" issued from the Quebec Court attaching all moneys due by the present defendants to the present plaintiffs, the defendants in the Quebec action. The tiers-saisie process is practically the same as a garnishee order nisi. Upon the return of the summons in the Quebec Court, the defendants in these actions contested the jurisdiction of the Quebec Court to attach the moneys due in Ontario; but on the 29th November, 1920, the order was made absolute and the defendants in these actions were ordered to pay to Lauzon the amount of their indebtedness to the plaintiffs in satisfaction pro tanto of the judgment creditor's (Lauzon's) claim. It did not appear from the papers filed whether the defendants had paid the money over to the Quebec judgment creditor, but it did appear that the defendants had assets in Quebec, and could readily be made to pay.

The present plaintiffs, Louis and Fabien Richer, dissatisfied with this situation and denying the jurisdiction of the Quebec Court to make an effective order in the premises, sued the defendants in a County Court, and, upon appearance being entered, accompanied by an affidavit setting out the facts, moved for and obtained summary judgments.

It was plain that this was not a case in which a summary judgment should have been granted. The Rule was not intended to provide a summary method of adjudicating upon disputed rights, but a simple method of enforcing admitted rights or rights concerning which there is no real dispute.

The question which would have to be determined in these actions was a difficult one. There was a difficulty at the threshold, because the circumstances relied on as conferring jurisdiction upon the Quebec Courts were not disclosed.