

SECTION 25 (h).—RULES OF LAW—RESTRAINING PROCEEDINGS.

See *Ditch v. Ditch*, per *Perdue, J.A.*, 21 M.R. 507, at p. 521, 19 W.L.R. 504.

SECTION 25 (l).—RULES OF LAW—DEFENDANT IN AN ACTION ON FOREIGN JUDGMENT MAY PLEAD ON THE MERITS.

As to the Rule in Ontario as to Quebec Judgments see 3-4 Geo. V., Ont. c. 19, ss. 50 to 52.

Only defences that might be pleaded in an action in the original court may be pleaded, and not defences which, though good in Manitoba, would be no defence in the original Court. *Hickey v. Legresley*, 15 M.R. 304, 1 W.L.R. 546. *British Linen Co. v. McEwan*, 8 M.R. 99. *Semble*, the pleadings should contain an allegation that the alleged defences are good according to the law followed by the original Court, *ibid.*

For cases where pleas have been struck out as embarrassing as having been fought out in the original Court, *Gault v. McNabb*, 1 M.R. 35; *Meyers v. Prittie*, 1 M.R. 27. *Refused*. *Hickey v. Legresley supra*. *International v. G.N.W.C. Ry. Co.*, 9 M.R. 147.

As to proof of foreign judgment, *Stephens v. Olson*, 1 W.L.R. 572, *New Hamburg Mfg. Co. v. Shields*, 4 W.L.R. 307. The foreign judgment must be final. *Graham v. Harrison*, 6 M.R. 210.

A default judgment, obtained in one province against a defendant who at the time of the institution of the action was domiciled in another province, is not enforceable in the province in which the defendant is domiciled — *Dakota Lumber Co. v. Rinderknecht*, 1 W.L.R. 481—2 W.L.R. 275. *Deacon v. Chadwick*, 1 O.L.R. 346, *Belcourt v. Noel*, 3 W.W.R. 926, 23 W.L.R. 368., *British American Investment Co. v. Flawse*, 19 W.L.R. 253, *Fairechild v. McGillivray*, 16 W.L.R. 562, *McLorg v. Stanning*, 7 W.L.R. 701 (C.C. appeal).

Attornment to Jurisdiction in written contract changes the above Rule. *Manitoba Windmill & Pump Co. v. McLellan*, 16 W.L.R. 283.

Domicile—change of. *Fairechild v. McGillivray supra*. *Walsh v. Herman*, 7 W.L.R. 389. *Williams v. A.G.* (1904), A.C. 287.

Foreign judgment obtained on substituted service not acted upon: *Wanderers Hockey Club v. Johnson*, 25 W.L.R. 434, (B. C.).