



No. 116.

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1st Session, 6th Parliament, 21 Victoria, 1858.

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**B I L L .**

An Act to enable Foreign Executors, Administrators and Corporations to sue and be sued in Lower Canada.

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Received and read 1st time, Tuesday, 27th  
April, 1858.

Second reading, Friday, 30th April, 1858.

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Mr. Sol. Genl. ROSE.

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S. Derbishire & G. Desbarats, Queen's Printer.

An Act to enable Foreign Executors, Administrators and Corporations, to sue and be sued in Lower Canada.

**W**HEREAS doubts have arisen whether Foreign Executors and Administrators, as well as Joint-Stock Companies and Corporations incorporated and erected as well by Acts of Foreign Legislatures or Governments as by the Legislature of Upper Canada before the re-union of Upper and Lower Canada, have the right to sue or are liable to be sued in Lower Canada, and it is fitting and proper such doubts should be removed, and that such Executors and Administrators and Corporations or Joint Stock Companies should be entitled to sue and be liable to be sued in the same way as private individuals: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

I. All Executors of Wills, and all Administrators, or other legal representatives of the estate of any person dying in or out of Lower Canada, but seized of real or personal effects or rights of action there, and all other persons who either by the law of Upper Canada or by the Law of any Country or State whatever where the deceased may have died or have made his will, may be legally seized of the estate of the deceased or represent him in law, shall be recognized, and the legal capacity of any such Executor, Administrator or Representative shall be of equal validity and effect, by and before all Judges and Justices, and by and before all Courts in Lower Canada, and to all other legal intents, as in the Country or place where he or they may reside or have been named and appointed, or where the will of the deceased may have been made notwithstanding that such Executor or Administrator or Representative, may reside out of Lower Canada.

Foreign Executors and Administrators enabled to sue and be sued in Lower Canada.

II. All Joint Stock or other Companies or bodies politic and corporate, who may have a legal capacity in the jurisdiction wherein they were or hereafter may be respectively erected or recognized, and all person or persons on whom by any properly constituted authority or law, whether of the heretofore Province of Upper Canada, or of the Imperial Parliament of Great Britain and Ireland, or of the United States of America, or of any of them, or of any other foreign state, colony or dominion, may have been or shall be conferred the right or power of suing or being sued, shall have the like capacity in Lower Canada, to bring and defend all actions,

Foreign Corporations enabled to sue and be sued in Lower Canada.

suits, complaints, bills and proceedings whatsoever,---and shall, by and before all Courts, Judges and Judicial authorities whatever in Lower Canada be held in law to be capable of suing and being sued, pleading and being impleaded, answering and being answered unto in the same name, manner and way as they could or might respectively be within the jurisdiction wherein such executors or administrators or person, body politic and Corporate, Joint Stock Company or Association of persons, are or may be respectively created, erected or recognized. 5

Service of  
process on  
agents, &c., in  
L. C. to be  
good.

III. In whatever part or place in Lower Canada, any such executor or administrator or person, company or body politic or Corporate, Joint Stock Company or other body or association of persons recognized by any foreign law as aforesaid, may have an office for the transaction of or may carry on business, such executor or administrator, company, body politic or corporate, Joint Stock Company or other body or association, shall be liable to and may be sued and impleaded in Lower Canada, and a service of any process at any such office, or on any agent at the place or within the district or part of Lower Canada where such action may be brought, of any such Company, body politic or corporate, Joint Stock Company or other body, shall be deemed and taken to be, by and before all Courts and Judges whatever, a good and valid service to compel the appearance of and make any such executor or administrator, body politic or corporate, Joint Stock Company or association of persons, amenable to the laws of Lower Canada, and to give such Court or Judge jurisdiction over such defendants. 10 15 20 25