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BILL.

An Act to remove doubts regarding the right and liability of Foreign Executors, Administrators and Corporations to sue and be sued in Lower Canada, and for other purposes.

Received and read a first time, Thursday, 2nd
September, 1852.

Second reading, Thursday, 9th September, 1852.

HON. MR. BADGLEY.

(35)

BILL.

An Act to remove doubts regarding the right and liability of Foreign Executors, Administrators and Corporations to sue and be sued in Lower Canada, and for other purposes.

WHEREAS 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 previous to the Union of these Provinces, 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: Be it therefore enacted, &c.

Preamble.

That all Executors of Wills and all Administrators of the Estate of any person dying 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 recognised and the legal capacity of 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, 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 may reside out of Lower Canada; and that all public companies or bodies politic and corporate, who may have a legal capacity in the jurisdiction wherein they were or hereafter may be respectively erected, 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 and may bring

Foreign Executors and Administrators may sue and be sued.

and defend all actions, 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 all Courts whatever, in the same name, manner and way as they could or might respectively within the jurisdiction wherein such Executors or Administrators or person, body politic and corporate, Joint Stock Companies or Associations of persons are or may be respectively created and erected; and in whatever part or place in Lower Canada 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, 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 by and before all Courts in Lower Canada, and a service at any office or on any agent at the place or within the District or part of the Province 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.

Foreign Companies and bodies corporate, &c.

Where service may be made in any such case.